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California Journal

THE MONTHLY ANALYSIS OF STATE GOVERNMENT AND POLITICS

THE CHANGING POLITICAL MAP OF CALIFORNIA

- Phil Burton's one-vote defeat
- Death (almost) of a public agency

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A PERSONAL PERSPECTIVE . . .

By Ed Salzman

A bleak Christmas

Whether those of us in the printed-word business are willing to admit it or not, the fact is that most Californians get their basic knowledge about what's happening in the world from their cathode-ray tubes and not their newspapers and magazines.

That's why this Christmas past shall go down in history as an especially dark day among those of us who care about getting a flow of information about state government and politics to the California citizenry. On December 25th, the CBS television outlet in Los Angeles, KNXT, closed its Capitol bureau. Now there is but one television crew permanently assigned to the Capitol complex — by KNBC in Los Angeles, the only California station committed to decent coverage of California politics and government. (And there are some station insiders who fear that KNBC may be following the path of KNXT.)

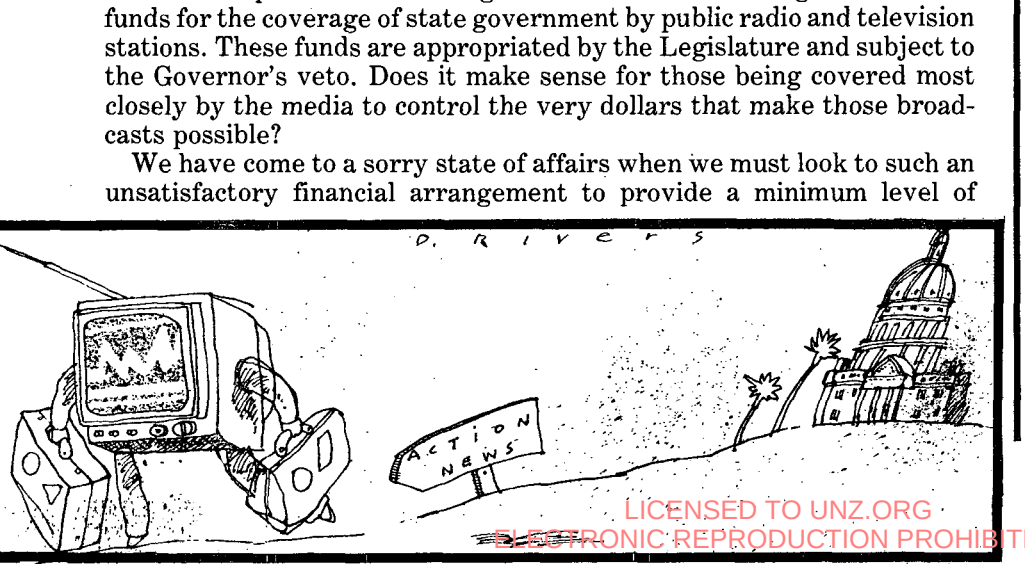
The departure of KNXT's Howard Gingold is especially worthy of note because CBS had a tradition, with Bob Simmons and Warren Olney before Gingold, of sending especially perceptive reporters to Sacramento. As a result, KNXT had unexcelled coverage of affairs of state in Sacramento during the Pat Brown and Ronald Reagan Administrations.

But the television industry has decided there is little place for serious reporters of the political scene. Government does not sell purring automobiles or erotic odors. "Action news" does. One of the departed TV reporters was once told upon being assigned to Sacramento to make his stories be a cross between the kind of material published in the *Reader's Digest* and the *National Enquirer*.

Broadcasting coverage of state government and politics has dropped dramatically since the golden age of the 1960s, when Reagan's Sacramento was viewed as a source of sexy stories and television crews from as far away as San Diego trolled the Capitol corridors. (Incidentally, the same criticism does not apply to Washington, where the problems are limited to quality and where CBS does an excellent job.) By fiat, the California television industry declared the 1974 Brown-Flournoy campaign dull, and only KNBC gave its viewers enough coverage to make an intelligent decision.

Significantly, at the very time Gingold and company closed shop, the state's new public-broadcasting commission was starting to distribute funds for the coverage of state government by public radio and television stations. These funds are appropriated by the Legislature and subject to the Governor's veto. Does it make sense for those being covered most closely by the media to control the very dollars that make those broadcasts possible?

We have come to a sorry state of affairs when we must look to such an unsatisfactory financial arrangement to provide a minimum level of



California Journal

THE MONTHLY ANALYSIS
OF STATE GOVERNMENT AND POLITICS

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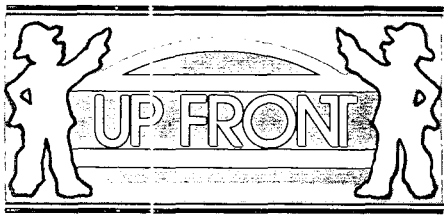

One of Jerry Brown's solutions to the state-hospital mess was to eliminate dual directorships at the institutions. But he retained precisely the same setup for the parent organization, the Department of Health, run jointly by Dr. Jerome Lackner and Ray Procunier.

Capital punishment is not about to return to California for the forseeable future. Assembly Speaker Leo McCarthy is against it, but a bill still might get through the Legislature. Governor Brown is against it, but he might sign a death-penalty bill for political purposes. The state Supreme Court is against it, and that's the key; any new law will probably be found unconstitutional for one reason or another.

Just because a Republican, Ken Maddy, was appointed chairman of the Assembly criminal justice committee, don't look for the Legislature to get tougher on criminals. The committee will retain its traditional civil-libertarian outlook. Maddy won the post because there was no logical Democrat for the job, perhaps the most delicate in the Legislature.

Alan Sieroty, the outgoing chairman of the criminal justice committee, should win the state Senate seat being vacated by Congressman-elect Anthony Beilenson without much high-powered opposition. But then there will be bloodshed over the Sieroty Assembly seat, with the Waxman-Berman machine facing off against the Tom Hayden organization.

Randolph Collier, defeated in November following 38 years in the Senate, is already on the comeback trail. He may run in 1978 against Republican Peter Behr in a coastal district that runs from Marin County to the Oregon border. If successful, Collier would be 80 at the expiration of his term.

Some supporters of Los Angeles Mayor Tom Bradley are taking the Alan Robbins threat lightly. Those who have watched Robbins in Sacramento have learned that Robbins goes for the jugular and cannot be dismissed.

CONTENTS

The new political map of California 5
By Ed Salzman
With few one-party strongholds left, color California's political map in shades of gray.

Lawmakers' anti-Arab surprise package 8
By Leah Cartabruno
A law to stop the discriminatory effects of the Arab boycott is producing legal and economic aftershocks.

Phil Burton: loser by one vote 11
By Leo Rennert
California's House Democrats had half the candidates, but fratricidal splits denied the state a leadership role.

SF neighborhoods' political ascent 13
By Robert Feinbaum
Downtown business interests and labor unions will have to move over for a new force in city politics.

Community college conflict 16
By Barbara J. Swain
The state-local struggle over community college control made Chancellor Brossman's job a mission impossible.

The 'wooing-the-editors' ritual dance 18
By Peter Kaye
A political choreographer, who's been on both sides of the stage, tells how to approach editorial boards.

Requiem for a public agency 21
By Lee Fremstad
Putting even a lightweight governmental entity out of business is a rugged fight.

California's obsolete courts 23
By John Cheevers
Litigation-happy California may be guilty of perpetuating a confusing and out-dated court system.

Van der Ryn for small-is-beautiful 25
By Joann Edin
Harbinger of recycled water and dry compost privies, the state architect pushes for a lifestyle change.

'76 Image Bowl winners 4
By Charles S. Hurley

Ballot designation derby 29
By Bruce C. Bolinger

Party maverick ratings 32

Caucus by Hügo 20
Capsules 28
Political double-cross 31
Courts 34
Newsmakers 34
Cannon 35

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'76 Image Bowl winners

By CHARLES S. HURLEY

Managing election campaigns is much like coaching professional football. There are plenty of competent coaches in the National Football League and any one of them, given the right combination of players, can produce a winning team. With a little bit of luck and a smidgen of skill, they might even win the Super Bowl.

So it is with campaign managers. California's Democratic and Republican leagues are both favored with a fair number of first-rate managers. They can't all win every time, of course, but given the right candidate and the right issue at the right time, these big league managers will chalk up a pretty good lifetime average.

The "big win" award for California in 1976 has to go to the San Francisco management firm of Woodward and McDowell, who masterminded S. I. Hayakawa's defeat of U.S. Senator John V. Tunney. Disregarding whatever mistakes the Tunney campaign made, the ousting of an incumbent Democratic senator in a heavily Democratic state is a major accomplishment. For Richard S. Woodward and Jack S. McDowell it was another — and the biggest by far — in a lengthening series of victories since they left the vaunted Republican campaign firm of Spencer and Roberts Associates five years ago. Included in their win record are some races in Guam's territorial government elections, half-a-dozen San Francisco municipal propositions and former Assemblyman William Bagley's Republican primary victory for controller. (Woodward and McDowell left after the primary because of "policy differences," and Bagley lost to former Assemblyman Kenneth Cory in the general.) Hadley Roff, chief of staff for Senator Tunney and a seasoned campaigner, directed the freshman senator's losing effort.

Successful re-entry

Spencer and Roberts Associates, operating out of Long Beach, can take credit for President Ford's win in California, which David Liggett of that firm managed. But it produced only small pleasure for them since Stu Spencer, head man in the organization, was chief deputy and strategist for the President's national campaign. Even so, Spencer has to be respected for whittling down Jimmy Carter's whopping lead in the early polls and making a horse race out of it.

Bill Roberts, who left the firm and temporarily retired from the political scene several years ago, reappeared in a substantial way in 1976. After handling former Lieutenant Governor Robert Finch in his unsuccessful bid for the GOP senate nomination, Roberts was called to Florida by Spencer to help turn a flagging Ford effort into a victory over Reagan. His big win came in the general election when he managed the campaign against state Proposition 14, the farm workers' initiative. (An interesting sidelight: The anti-14 growers wanted to hire the up-and-coming Democratic management firm of Winner-Wagner, but W-W turned them down.)

While Carter's losing California campaign was managed by Terry O'Connell, an imported easterner, the Democratic professionals found themselves more involved with ballot propositions than candidates. Joe Cerrell, whose Los Angeles firm must now be the oldest continuing campaign management organization, directed the campaigns against the interest limit on certain loans (Proposition 5) and in favor of the state Housing Bond Law (Proposition 1). Both propositions lost, so Cerrell broke even. He and his associates scored a minor win by keeping poker parlors out of Inglewood, and were involved as consultants against the farm workers' initiative and on behalf of Congressman Jim Lloyd's reelection and Assemblyman Bob Wilson's defeat of state Senator Jack Schrade.

Chuck Winner and Ethan Wagner, operating on a Los Angeles-Sacramento axis, managed the winning campaign for Proposition 2, the bond issue for beaches and parks. On the strength of their defeat of California's anti-nuclear initiative last spring, they were chosen to direct successful efforts against similar measures in Montana and Arizona. They lost their campaign in favor of Proposition 5 and Los Angeles County proposals to increase the number of county supervisors and to elect a county mayor, but they scored a small victory by defeating the formation of a new county in northwest Los Angeles County. Winner and Wagner also were consultants for the winning reelection campaigns of Congressmen Mark Hannaford of Long Beach and Norman Mineta of San Jose.

Don Bradley, dean of California's political professionals, coming off a big win in the election last year of San Francisco Mayor George Moscone, suffered a loss with Supervisor Robert Mendelsohn's unsuccessful challenge of state Senator Milton Marks. Marks' manager was Ed Slevin, a longtime Bay Area campaigner. Bradley and his crew also handled the northern California effort for the defeated housing bond proposal. His two winners were the vital San Francisco sewer bond issue, which carried when most "spending" propositions were going down, and a local housing project proposal.

Braun and Company, a Los Angeles firm engaged mainly in corporate counseling, ran the campaign which clobbered greyhound racing. Directing the effort were Doug Jeffe, former state legislative attache and an experienced campaigner, and Herbert Baus, who came out of retirement to line up solid newspaper and broadcast editorial opposition to the proposition. For many years Herb Baus was half of the highly respected Los Angeles campaign firm of Baus and Ross.

Sanford Weiner of San Francisco, who has handled major campaigns for both Republicans and Democrats through the years, went to New Jersey for the general election and came up winners with a state proposition to permit casino gambling in Atlantic City.

That, in a nutshell, is how the image-makers lined up in 1976, with the Super Bowl victory going to the Hayakawa team coached by Dick Woodward and Jack McDowell.

The author is a long-time California political writer and Democratic party campaign strategist.

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TALE OF EIGHT REGIONS

The new, low-contrast political map of California

By Ed Salzman

An age has ended in California, according to San Diego's Neil Morgan, the leading contemporary chronicler of trends and tangents in the Golden State. "The westward tilt is over," says Morgan. "California is growing no faster than Maine. We are starting a period of ordinariness."

California ordinary? That's an insult to our narcissus complex. We like to be viewed as the land of fruits and nuts. We enjoy our status as the breeding ground for weirdo politicians, the current crop including Jerry Brown and S. I. Hayakawa.

Political California has hardly lapsed into ordinariness by comparison to the rest of the nation. But during the past decade or so, another phenomenon has dramatically changed the political map of California — homogeneity. Just 10 years ago, it was relatively easy to identify sections of California as either solidly Democratic, rock-hard Republican and, in some relatively few cases, swing areas. Now almost no part of California can be taken for granted. There is a new political map of California with few white and few black areas, but with plenty of gray tones.

Elections in California used to be analyzed this way: The Democrats would do exceptionally well in the San Francisco Bay Area. The Republicans would match that with tremendous showings in the GOP heartland of Orange and San Diego Counties. Elections would be won or lost by swings in Los Angeles County.

Out-of-date thinking

That reasoning is now obsolete. The Bay Area is not — and never has been — as Democratic as has been assumed. The Orange-San Diego area is now strictly two-party territory. Los Angeles has become fairly predictable; neither party wins overwhelmingly in the state's population center, but the Democrats usually get an edge, especially in district voting.

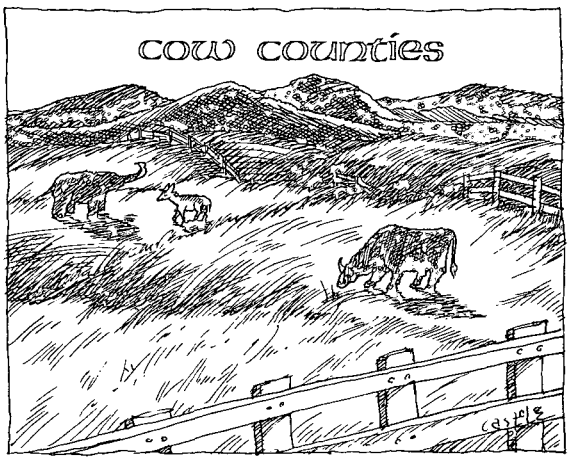
California's tradition of weak parties and non-partisan local elections has made it possible for candidates of either party to win the bulk of the Congressional, Senate and Assembly seats in the state if conditions are right. This last election, Republican Senator Milton Marks of San Francisco and Assemblyman Paul Bannai of Gardena won reelection in districts with overwhelmingly Democratic registration. Should they leave office, the odds would be strong that they would be succeeded by Democrats. The election produced precisely the opposite situation in Orange County, where Democrats Dennis Mangers and Ron Cordova won traditional GOP Assembly seats. In Cordova's case, a special situation caused the defeat of the GOP candidate in the most Republican district in California.

Most political analysis of the state focuses on the two main population centers, the Los Angeles-to-San Diego megalopolis and the San Francisco Bay Area. But some of the most significant changes in the political map have been taking place in two other sections of the state — the central-coast region running from below the Bay Area to the Los Angeles County border and the so-called "inland empire" consisting of the Riverside-San Bernardino-Imperial desert area. These subdivisions used to lean heavily toward the Republicans. Now, the central coast is toss-up country, and the inland empire is heavily Democratic in terms of elected officials.

Political California cannot be analyzed as a single entity. It is far too large and diverse for that. But it does break down into eight separate areas with distinct voting patterns. Of these eight regions, only one — the central valley — is not currently represented in Congress and in both houses of the state Legislature by both major political parties. The valley lost its two-party representation in the state Senate this year with the retirement of Republicans Clare Berryhill of Modesto and Howard Way of Tulare and their replacement by Democrats John Garamendi of Mokelumne Hill and Rose Ann Vuich of Dinuba.

District rundown

Here is a rundown on the eight districts (In cases where districts overlap regions, the statistical analysis is based on the population centers of the districts):



○ **Cow counties** *(Alpine, Amador, Butte, Calaveras, Colusa, Del Norte, El Dorado, Glenn, Humboldt, Inyo, Lake, Lassen, Mariposa, Mendocino, Modoc, Mono, Napa, Nevada, Placer, Plumas, Shasta, Sierra, Siskiyou, Sonoma, Sutter, Tehama, Trinity, Tuolumne, Yuba)* — Rural California has a long tradition of ignoring partisan labels. Candidates are expected to sell themselves as indi-

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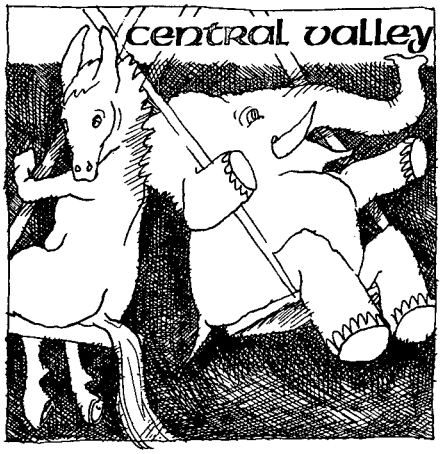

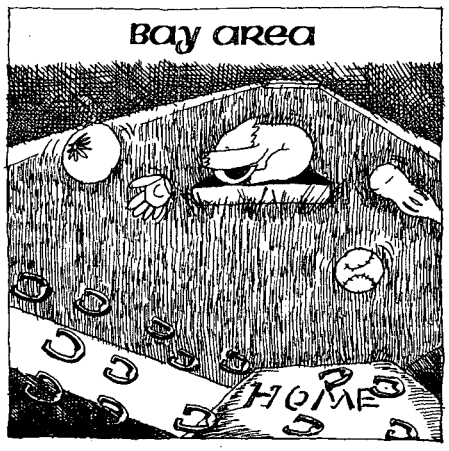

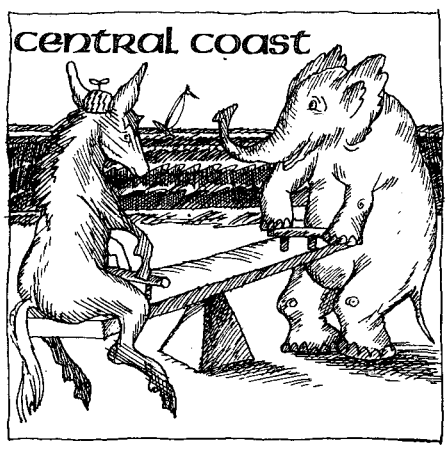

viduals, and heavy Democratic majorities in some districts are often overcome by superior Republican campaigning. This area once wielded tremendous power in the state Senate, but that evaporated with the one-man, one-vote ruling of the U.S. Supreme Court. Some of the roughest elections in the state take place in these wide-open spaces, especially when an incumbent leaves office. In the aftermath of the reapportionment ruling, the area was balanced fairly evenly between the parties. Democrats made gains gradually until the last election, when the Republicans rebounded by taking a Senate and an Assembly seat that were previously Democratic. Nevertheless, the Democrats still have 60 percent of the Congressional and Legislative seats from these counties. There isn't a seat throughout the area that cannot be won by either party when there is no incumbent in the race.

• **Central valley** *(Yolo, Sacramento, San Joaquin, Stanislaus, San Benito, Merced, Madera, Fresno, Kings, Tulare, Kern)* — The tradition in the Sacramento-San Joaquin valley region has been for many voters to register Democratic and vote Republican. It is an area loaded with farmers who come from southern states, Democratic but conservative. This is what makes it possible for Republican Ken Maddy to win reelection time after time from a Fresno-based district with a heavy Democratic registration. Farm issues are vital in this area, and most candidates of both parties cast moderate images. In both the valley and the cow counties, campaigning through the mass media is surprisingly pronounced. That is because it is possible to buy newspaper space and broadcasting time that will be both reasonably priced and targeted to the voting population of a district. By comparison, advertising in urban areas is extremely expensive and much is wasted on out-of-district consumers.

Ten years ago, the Republicans had five out of nine of the valley Assembly seats, and the Democrats held most of the Senate and Congressional seats. But the Democrats have made major gains in recent years and now hold everything except one Congressional seat and three Assembly districts. This is the first time in many years that the Republicans do not hold a valley Senate seat, and that is more because of the chemistry of the individual district races than because of any overall Democratic trend.

• **San Francisco Bay Area** *(Alameda, Contra Costa, Santa Clara, San Mateo, San Francisco, Marin, Solano)* — It is a myth that the Bay Area is a Democratic stronghold. Republicans have always done well capturing legislative seats from these seven counties, although the Democrats usually hold the majority. Twenty years ago, even the Berkeley-Oakland area was heavily represented by Republicans. The near-victory of conservative John Barbagelata, a Republican, in the San Francisco mayoralty race was heralded as an indication that San Francisco is no longer a solid Democratic camp. The fact is that it never was. Liberal and progressive Republicans have long represented San Francisco, including William Mailliard, Milton Marks, John Busterud and Caspar Weinberger.

Several counties are definitely two-party territory, including San Mateo, Marin, Santa Clara and Contra Costa. San Francisco, Solano and most of Alameda are basically Democratic strongholds, but the overall complexion of the region is not as Democratic as its reputation. There are currently six Republicans representing the Bay Area in Congress and in the Legislature, compared to 30 Democrats. But there are several seats that went Democratic in the recent elections that could well return to Republican ranks in the future, including Assembly districts now represented by Michael Wornum of Marin and Dan Boatwright of Contra Costa.

• **Central coast** *(Santa Cruz, Monterey, San Luis Obispo, Santa Barbara, Ventura)* — Perhaps the most dramatic change has taken place in this central coast strip spanning the state's two population centers. Just 10 years ago, both congressmen and both senators from this area were Republican, as were three of the five Assembly members. Now, the seats are precisely even, one for each party in Congress and in the Senate, and two for each in the Assembly. The Democrats broke even by taking away previously Republican Congressional and Assembly seats last November behind Leon Panetta and Henry Mello. The area has changed in part as a result of the 18-year-old vote and the development of liberal communities around the Santa Barbara and Santa Cruz campuses of the University of California.

• **Los Angeles County** – Los Angeles County is just about what all of California was supposed to have been — divided among solid Republican, solid Democratic and swing areas. Democrats hold two-thirds of the seats from the county, but the division in the Senate is close (8-6). Within the county, the Democratic regions include the areas heavily populated by Blacks, Chicanos and Jews. The Republican areas are the high-income neighborhoods, with the exception of the Hollywood-Beverly Hills area. The swing areas traditionally have been the San Fernando Valley and Long Beach. Recently, the valley has become almost a Democratic stronghold, and Long Beach has become increasingly so (although Republican Senator George Deukmejian survived the last election). What this means is that most of Los Angeles County is taken for granted in district elections, hardly the situation a few years ago.

• **Orange County** — There was a time when successful politicians like Dick Hanna and Ken Cory were considered dodo birds because they appeared to be the only living remains of an extinct species — Democrats elected from Orange County. Ten years ago, in fact, then-Congressman Hanna and then-Assemblyman Cory were the only Democrats elected from Orange County. But the politics of Orange County changed for quite a few reasons. As the area developed, more and more Democrats moved into the cracks between the Republicans. The Santa Ana area went down

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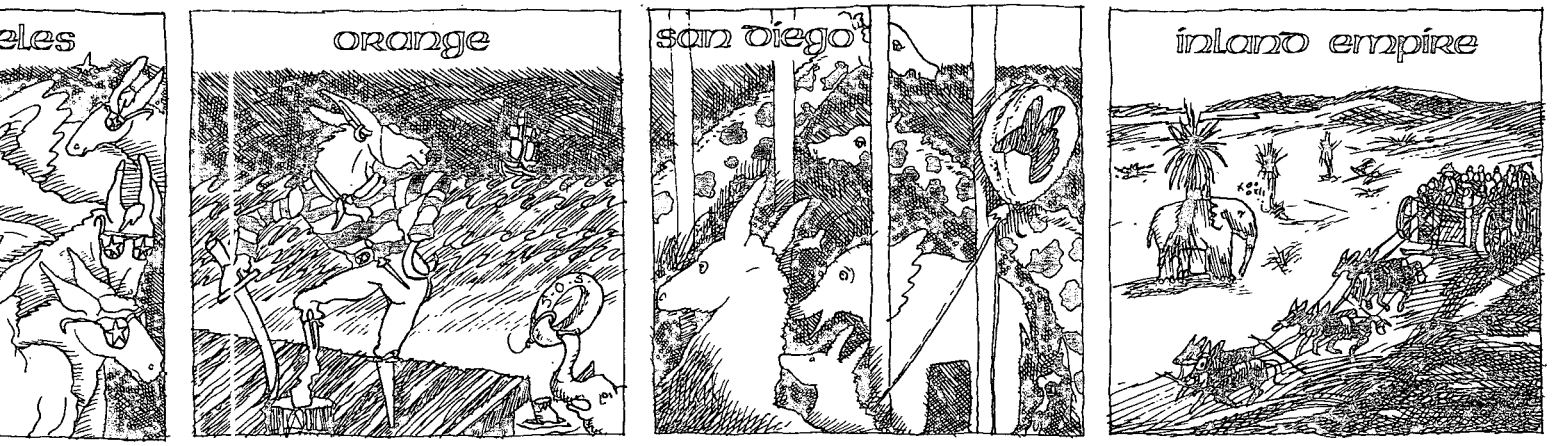

hill physically, and low-income families who vote Democratic replaced Republicans. The recession in the aerospace industry caused some Republicans to move away and others to change their political views. Cory and other Democratic leaders saw that the Republican fortress was vulnerable, and they started attacking the weak spots.

In this last election, two Assembly seats that used to be considered safe for the GOP fell to Democrats. Now, the two parties divide the county's district representation evenly with six seats each. On a statewide basis last November, Orange voters went heavily for Republicans at the top of the ticket, but then switched to Democrats in some Congressional and legislative races. Democratic Congressman Jerry Patterson of Santa Ana rolled up 64 percent of the vote in what once was considered an invulnerable conservative GOP area. Politically, Orange has joined the rest of California.

○ **San Diego County** — The Republicans have never had quite the lock on San Diego as they had at one time on Orange and the central coast. The relatively low-income urban section of the county has sent men like Senator James Mills and Assemblyman Peter Chacon to Sacramento, and Congressman Lionel Van Deerlin to Washington for many years. Nevertheless, for a long time the overall orientation of the county was definitely toward the GOP. A decade ago, for example, 60 percent of San Diego's districts were represented by Republicans. But the Democrats have been picking off Republican seats in districts with long GOP traditions, and now six out of the area's 11 representatives are Democrats. The latest victim was veteran Senator Jack Schrade, who lost in an avalanche to former Assemblyman Bob Wilson. Prior to that, Wilson and Assemblyman Larry Kapiloff took Republican seats in the Lower House through superior campaigning. (The old Wilson district returned to a Republican, Jim Ellis, last November.) The prime factor in the San Diego turnabout has been exceptionally effective campaigning by such Democrats as Wilson, Kapiloff and Assemblyman Wadie Deddeh, who have managed to capture a great many GOP votes.

○ **The inland empire** *(Riverside, San Bernardino, Imperial)* — The state's desert area is another of the regions that was once dominated by one party, but has become two-party territory in recent years. As the Riverside-San Bernardino urban areas have grown, so have the numbers of Democratic voters. But in addition, there has been a change in voting patterns of those in the smaller Riverside and Imperial communities, as evidenced by the victory in 1974 and again last November by Democratic Assemblyman Tom Suitt.

Just 10 years ago, the inland empire (so named by the area's newspapers) was represented by five Republicans and two Democrats. Now, the area has seven Democrats and two Republicans in Sacramento and Washington. In fact, the region would be represented only by Democrats in the state Senate except for the fact that the district of Republican Senator John Stull of San Diego County covers Imperial County. (For statistical purposes, Stull was also included in San Diego totals.) This is one area that will probably be a partisan battleground because some of the districts held by Democrats could well switch parties when the incumbents leave office.

Republicans deteriorate

In the post-reapportionment election of 1966, the Democrats came away with 53 percent of the Congressional and Legislative seats. (The Republicans won all but one of the statewide offices behind the Reagan slate.) In only three of the eight regions — Los Angeles, San Francisco Bay and the Central Valley — did the Democrats win a majority of seats. In the election of 1976, the Republicans didn't win a majority in a single region, although they broke even in Orange County and the Central Coast. This means that the Democrats have done a much better job than the Republicans in district-by-district campaigning and candidate development.

What happened to the Republicans? It is ironic that the Republican political base in California fell apart during the eight years that Reagan was governor. With a Republican Administration in Sacramento, the Grand Old Party somehow lost sight of the fact that it needed to work a great deal harder than Avis to catch up with the party that was number one in voter registration. The Republican Party power was centralized in the governor's office, and some of the field work done in the 1960s to bring about GOP parity in the Legislature was abandoned.

Elections in California are not won or lost by party discipline or by party label (except in perhaps 20 percent of the districts). They are won by individual candidates selling themselves independent of any ticket. There is no such thing as coattail voting in California. But in most districts, the Republican candidate must do better than run as good a campaign as the Democrat. Because of registration statistics, the draw goes to the Democrat.

This is still a two-party state. The election of S. I. Hayakawa and President Ford's victory over Jimmy Carter prove that. There was a time when the Republicans could sit smugly on a large number of safe districts and then plot raids on vulnerable Democratic districts. Now it is the Democrats that are doing the raiding. But there are danger signals also for the Democrats, especially in the north. The most important factor in California district elections is still incumbency, but there are probably more districts now than ever that can be won by either party when there is no incumbent in the race.

How will the political map of California change in the next decade? Barring some miraculous change in voting patterns in the next four years, it will be the Democrats who will be drawing the state's district lines following the census of 1980. At least at the district level, the tilt is definitely toward the Democrats.

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The zealous Legislature's anti-Arab surprise package

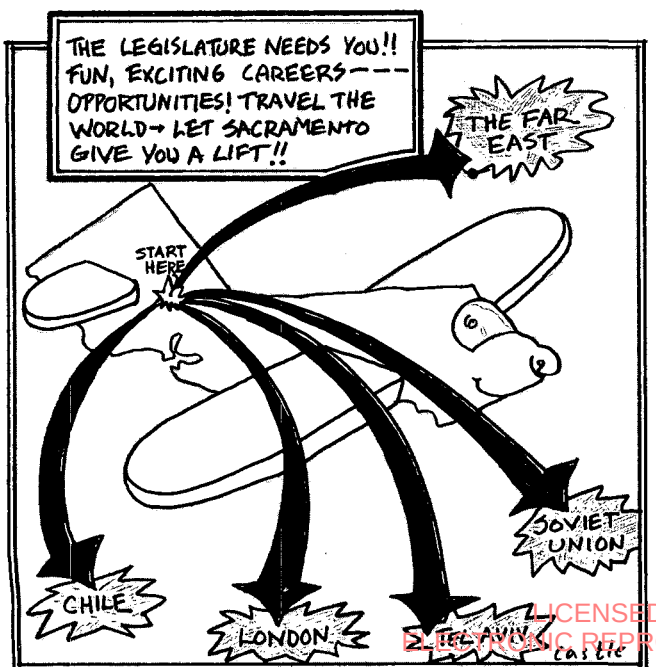
By Leah Cartabruno

It is doubtful that the California Legislature knew what it was getting into last year when Assemblyman Howard Berman's anti-Arab boycott bill sailed through the Assembly 70-0 and the Senate 37-0. Most thought it was a gesture in support of Israel, more a resolution than a bill, and it attracted little opposition or discussion. But the aftershocks are becoming stronger and more frequent, and the true scope of the bill is now becoming apparent.

The bill responded to charges that in order to do business with an Arab country, a company must sign an agreement not to do business with Israel (primary boycott), any company on the Arab blacklist (secondary boycott), or any company that does business with any entity on the blacklist (tertiary boycott). Others complained of Arab conditions that companies not use parts manufactured in Israel or hire Jewish employees.

Little opposition

Berman's AB 3080 made compliance with the boycott or discriminatory hiring a violation of the state's antitrust law (the Cartwright Act), punishable by treble damages and possible forfeiture of the right to do business in California. Assembly Speaker Leo McCarthy sponsored AB 2553 which made a corporation an individual in matters of discrimination, exposing a participating company to a possible felony, punishable by a $1 million fine, and a participating individual to three-years imprisonment and a $100,000 fine. These laws, which took effect January 1st, are more stringent than similar legislation passed by New York, Maryland, Illinois and Massachusetts.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Berman's bill folder contains only one letter of opposition, from the California Chamber of Commerce. It is difficult to oppose such a bill without looking as if you favor discriminatory practices or are an anti-Semite. Said Don Russell, the Chamber representative at the hearings: "I was the third witness. The first two were the president of B'nai B'rith and a Los Angeles representative of Hadassah. When it was my turn, I just said we were opposed and our letter was before the committee."

When asked why the Bank of America didn't oppose the bill, executive vice president and general counsel George Coombe said the bank was "expecting a federal solution and rightly felt it was an explosive issue with lots of political and emotional implications," especially right before the election. John Hay, executive vice president of the state Chamber, maintains that, even now, companies aren't talking about the issue because they do business with all types of people. All parties agree that the law didn't help California's anti-business image.

Complaints are starting to reach state officials. The California Manufacturers Association (CMA), among others, feels the anti-boycott bill is another burden put on California importers and exporters that is not felt by any of the other 49 states. The CMA points to the other Pacific and Gulf coast ports where goods could easily be diverted without major consequences to anyone except Californians.

A state Chamber spokesman emphasized that, regardless of what the Governor may say, there is an anti-business, no-growth attitude in California, and this law is another element leading to an economic disaster. He said some companies have contracts with the Arabs for work or equipment, and, if possible, are moving out of the state. The relocation of two Fresno irrigation-pump manufacturers to Nevada is cited as an example.

How much involved?

More startling is the possible impact on financial institutions. No estimates are available as to how much business could be affected by this law (except that the range is in the billions), because of the general language used in writing the bill. AB 3080 covers more than the Arab-Israeli confrontation. A Bank of America statement lists other economic sanctions (primary boycotts) in existence: the United States against Cuba, North Korea and VietNam; Bangladesh against Rhodesia; many Black African nations against Rhodesia and South Africa; Honduras against El Salvador; and Pakistan against India. The law does not distinguish between types of boycotts and leaves questions unanswered as to how the law applies to everyday foreign commerce transactions.

It was in response to this void that Business and Trans-

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portation Agency Secretary Don Burns requested an Attorney General's opinion on the effect this law would have on California banks' handling of foreign letters of credit. A letter of credit is similar to a contract. It is issued at the request of the buyer through a bank in that country, and addressed to the seller. It specifies what is being purchased and the conditions which must be met before the bank in the seller's country will release payment for the goods. Those specified conditions may include clauses regarding boycott observance and anti-confiscation requirements. (Confiscation or war-risk clauses may specify unfriendly ports or nations that cannot be visited by the vessels or vehicles carrying the purchased goods because of the danger of confiscation.) Even Israeli banks use certain boycott and confiscation clauses.

The Attorney General's opinion said that the bill applies only to new business that comes to banks in 1977. It does not affect contracts or letters of credit that were negotiated before December 31st, 1976, even if the actual payment date occurs after January 1st.

The opinion found participation in primary boycotts and the inclusion of confiscation and war-risk clauses to be outside state jurisdiction and thus the effect of this law. Deputy Attorney General Peter Shack, author of the opinion, found that the state couldn't control what nations can do (thus removing primary boycotts and confiscation and war-risk clauses from the application of this law), but could control what businesses do (leaving the restrictions on secondary and tertiary boycotts and discrimination in effect).

Constitutional challenge

While the opinion has gone a long way toward clarifying AB 3080, certain problems still remain. A law suit filed in San Francisco's U.S. District Court last October, *Warden v. the State of California,* seeks to throw out Berman's law on the ground the U.S. Constitution reserved to the federal government the sole right to regulate foreign trade. Some feel Berman's law will be found unconstitutional just as the "Buy American Act," which required public agencies in California to buy materials within the country, was declared unconstitutional in 1969. That law was tested by Bethlehem Steel after the Los Angeles Department of Water and Power purchased steel from Japan. In *Bethlehem Steel v. the Board of Commissioners,* the California Court of Appeal found the state law an unconstitutional restriction on foreign trade. (The state Supreme Court denied the case a hearing, letting the Appeal Court decision stand.)

Others aren't challenging the constitutionality of the law, but say the state has no jurisdiction unless all involved parties are located in state. (In footnote five of the Attorney General's opinion, it states that the discussion of the law's application presumes a California nexus — that is, both the victim and the violator are within the jurisdiction of California. Shack, however, reports that prosecution of violators

California's foreign policy: the Israeli connection

California has made other forays into foreign relations. As early as 1963, the Chile-California program was established with the aid of federal funds. Designed to lend technical assistance to Chile, the program was part of the executive branch until the federal money ran out in 1967. The Commission for the Californias was established in 1964 as an extension of the Lieutenant Governor's office to improve relations with Baja California. During the '60s, selected legislators were invited to visit West Germany as the guest of that government.

In the decade of the '70s, the focus moved southward from Germany to Israel. In 1971, then-Assemblyman Walter Karabian authored the Israel Bond Act allowing state chartered savings-and-loan associations to buy Israeli bonds. Investment in Mexican and Canadian bonds was already sanctioned In late fall of that year, the Israeli government invited Karabian to visit.

In an effort to help some small California banks, then-Assemblyman Leon Ralph authored AB 1777 and Senator Dennis Carpenter sponsored SB 1145 prohibiting foreign banking corporations from locating in California unless California banks could operate under the same regulations as native banks overseas. The major banks of California defeated the measures.

In 1974, the Legislative Coalition for Soviet Jewry was formed to spotlight the predicament of the Jewish people in the Soviet Union and to lend support to their efforts for free emigration. It received nominal financial support from the Inter-religious Task Force on Soviet Jewry, a non-denominational group based in Chicago. In November of 1974, a private Los Angeles-based Jewish group offered to sponsor a fact-finding trip. Six legislators took the journey, stopping in England, the Soviet Union and Israel. Making the trip were Assemblymen Karabian, Bob Beverly, Bill Campbell and Paul Priolo, and Senators George Moscone and George Zenovich.

The group was reorganized in 1975, with every legislator invited to become a member. Senators Robert Stevens and Al Song, and Assembly members, Mike Cullen, Pauline Davis, Wadie Deddeh and Frank Murphy were the only six to decline. At least one of the non-joiners felt that the Legislature shouldn't get involved in foreign policy.

In 1975, there were two separate trips to Israel for certain California officials. One was sponsored by a private group of Los Angeles Jewish businessmen and included state Treasurer Jesse Unruh and a number of legislators. The other was at the official invitation of the Israeli government and included Assembly Speaker McCarthy and Senate President pro Tempore James R. Mills.

Last September, Unruh stated that he would do everything in his power to see that state funds would not be deposited in banks known to participate in the Arab boycott.

Another Israel trip for selected legislators was organized under the auspices of mortgage-broker Milton Gordon last November. At first, it was announced that the trip was sponsored by Jewish businessmen from Los Angeles. At the time of departure, the Judah I. Magnes Memorial Museum of Berkeley was announced as sponsor. The Museum refused to disclose the names of the donors for the trip.

Lieutenant Governor Mervyn Dymally and his wife took off last November for a month-long tour of the Far East to increase California's foreign trade. On Dymally's schedule were the Philippines, New Guinea, Australia, Indonesia, Hong Kong, Japan and South Korea. Dymally's trip cost the state $3,500. He paid his wife's fare. The trip was arranged with the assistance of the U.S. State Department.

At the close of 1976, Governor Jerry Brown put on a "Save the Whale Day" in Sacramento, using exhibits and a concert to get out the message to stop the slaughter of whales, primarily by Russian and Japanese fishermen.

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will not necessarily be limited to cases with a California nexus.)

Bank of America, probably the financial institution most affected, is not counting on a court decision to settle the matter. Currently not processing letters of credit with the questionable clauses, the bank is meeting with Berman to see if amendments can be enacted "to place the legislation in its proper perspective." According to Coombe, Bank of America has two goals: to codify the Attorney General's opinion, and to restrict the law's application to a California nexus.

Berman's convictions

Berman remains unshaken in his convictions, and says the bill is pretty much having the effect he expected. He acknowledges that no other state has a law like this, and is counting on that to provide pressure for tough federal legislation. Berman cites three reasons for his authorship of this bill:

• *The Arab countries are pragmatic and wink at the boycott when it's in their interest to do so. When they wanted the Hilton chain to build hotels in Arab countries, remarked Berman, they ignored the Hilton hotels in Israel. Berman feels companies can use the California law as a shield, and the Arabs will go along.*

• *It's a logical and smart move to provide heavy pressure for a similar national law.*

• *It's wrong to observe the boycott which causes American companies to discriminate against other American companies and sometimes against categories of American citizens.*

Berman doesn't believe the consequences are as dire as the doomsayers predict.

The ball is now in Congress' court. The attitude in Washington can probably be generalized from the remarks of Christy Cohagen, a Capitol aide to Senator Alan Cranston, who sits on the Senate Banking Committee. The senator, said Cohagen, is in a holding pattern. He's had a firm policy against the boycott and supported unsuccessful though weak legislation by Senator Adlai Stevenson III last year. Now he's watching the Carter Administration and waiting to see what comes up. For now, California legislators will contemplate the implications of AB 3080 — in retrospect.

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PHIL BURTON: ONE-VOTE LOSER

For Californians, the House is not a home

By LEO RENNERT

For California Democrats in the United States House of Representatives, Pearl Harbor Day came 24 hours early last month. As the biggest state delegation on the majority side of the aisle, the 29-member group had looked forward with keen anticipation to the December 6th balloting for Democratic floor leader. All advance indications pointed to a historic milestone in California's long quest for one of the top brass rings on Capitol Hill. After many years on the sidelines of power, the delegation finally had its best chance to place one of its own in a top leadership post.

In the four-way contest for majority leader, Californians seemed to have everything going for them, including half the entries — liberal, aggressive, reform-minded Phillip Burton of San Francisco and hard-working establishment loyalist John McFall of Manteca.

Each had begun the race two years ago with a substantial power base and then labored assiduously to expand it. Burton's launching pad was the chairmanship of the House Democratic Caucus which he won in 1974 with solid support from the big post-Watergate freshman class and other anti-seniority reformers. McFall, a protege of former Speaker John McCormack, had built his strategy along more conventional lines. He had moved up steadily through the leadership structure for more than a decade and now was solidly entrenched in the No. 3 post of whip, the traditional stepping stone to the majority leadership.

Burton the favorite

While it was clear that McFall was only a long-shot by the time the balloting began, Burton was the odds-on favorite. His assets included the longest and hardest campaign, the biggest delegation, the expected switch to his side of a good number of McFall's California backers once the Mantecan was knocked out, and solid liberal credentials in a 296-member caucus dominated by liberals.

But when the final round of secret balloting ended, Jim Wright of Texas — the most conservative candidate — had beaten Burton by one vote, 148-147. The outcome not only sidelined the ambitious San Franciscan from the House's top leadership circle for many years — perhaps permanently; it also left California Democrats demoralized, confused, rudderless. At a time when the delegation's numerical strength had just reached a new high with the capture of Republican Burt Talcott's Monterey district, its influence in the House dropped to a new modern low.

The new speaker, Thomas P. (Tip) O'Neill Jr., of Massachusetts, who had feared Burton as a potential rival, took over the top spot without challenge and immediately began rewarding friends and isolating enemies. While Wright eventually may build his own separate base, his narrow win over Burton leaves him no choice for the time being but to be cautious and play a go-along-with-Tip game.

For Californians, this new power equation means a long spell out in the cold. The delegation, which yearned for but never quite reached a state of solid cohesiveness in recent years, is in shambles. The immediate aftermath is an everyone-for-himself attitude — with some members gravitating to the O'Neill-Wright ranks and others brooding darkly over tactical stupidities in the leadership fight, who double-crossed whom, and where, when and how the Burton liberals can come back from their shattering defeat.

Three lessons — at least

As an object lesson in the internal politics of the House, the Burton debacle is instructive on at least three levels — the kamikaze tendencies of liberals, the impotence of a big delegation like California's, and the inordinate importance of a legislator's personality in how he is perceived and accepted by his colleagues, aside from his legislative skills and achievements. From a 20-20

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hindsight perspective, it turns out Burton badly miscalculated on each of these counts. Together, they explain his downfall.

The majority leader is picked by the caucus of all House Democrats. With the low man dropping out after each round, the balloting continues until there is an absolute majority. With the 296-member caucus heavily controlled by liberals, it seemed only natural that the left would emerge victorious. That meant Burton or Richard Bolling of Missouri, an older-line liberal who espoused legislative reforms when Burton was still in the California Legislature. McFall could not win because he was perceived as the embodiment of the old order and, more recently, had been badly damaged by disclosures that he had accepted $4,000 in secret cash gifts from South Korean lobbyist Tongsun Park. Wright could not win, or so the experts thought, because he was identified too closely with Texas oil, military contractors and southern conservatism.

Progression of votes

So sure was the Burton camp of this assessment that it not only concentrated most of its efforts on defeating Bolling but also went out of its way to boost Wright's stature as a credible candidate. There was even talk that Burton was trying to maneuver Wright into the final round so that he could swamp the Texan with solid backing from the entire liberal camp. When Wright knocked Bolling out of the running in the second round, the Burton side was jubilant. With a liberal-versus-conservative finale, Burton was a shoo-in. Or so it seemed.

McFall, with only a humiliating 31 votes, dropped out after the initial round. The next tally showed: Burton 107, Wright 95, Bolling 93. With Bolling eliminated, the assumption was that Burton would pick up at least 50 percent of the Missourian's support and beat Wright in the final round. As it turned out, a solid majority of Bolling liberals, including many big-city Democrats impressed by Wright's help in the New York City financial crisis and his support of mass transit programs, swung to the Texan and insured Burton's defeat.

It also turned out to be Burton's first big miscalculation. In recent years, Burton and Bolling had clashed over other matters, including reorganization of the House, and there was little love — or respect — between the two. But the San Franciscan had underestimated the extent of Bolling's hostility and the willingness of the Missourian and many of his supporters to let the liberal cause go down the drain rather than end up with Burton as majority leader. When Wright's victory was announced on the House floor, the first to embrace him and to applaud the Texan's victory was Bolling.

The California delegation's role in Burton's defeat followed a similar scenario. Of its 29 members, Burton started with a basic core of about 20, with the rest going to McFall. But once McFall was out, Burton assumed that he could expect the virtually unanimous support of the California contingent. Wouldn't it make sense for Californians to stick together and join in reaping the spoils of victory for their respective districts? But as least four, and probably as many as six, Californians remained die-hard anti-Burton votes.

McFall publicly stated that he had voted for Wright on the final 148-147 ballot. Almost certainly in the Wright column were B. F. Sisk of Fresno, Harold Johnson of Roseville and Glenn Anderson of Harbor City. Each had his own reasons, but they all added up to anyone-but-Burton. The San Franciscan thought that a financial statement he had issued to show that he had not benefited from the generosity of lobbyists had rubbed McFall the wrong way and cost him the Mantecan's vote. Sisk, who is close to agribusiness interests and was beaten by Burton for caucus chairman two years ago, is an ex-Texan who always has worked well with that state's delegation, including the late Sam Rayburn who placed him on the powerful Rules Committee. Anderson and Johnson were close colleagues of Wright on the Public Works Committee. Wright's switch to majority leader made room for Johnson to claim the committee's chairmanship.

Pique or ambition

But whether it was personal pique or individual ambition, these factors only serve to point up a larger truism — the California Democratic delegation, while heavily liberal, remains quite heterogenous. It encompasses urban and rural interests, hawks and doves, the old pols and the new generation of power-seekers. To believe, as Burton did, that they all would flock to his side at the end was another bit of faulty political arithmetic.

His biggest handicap, however, may have been his own personality — or, rather, the "image" of a crafty wheeler-dealer, an intensely ambitious rival to O'Neill and a cutthroat pragmatist who had been a political ally of Wayne Hays before the disgraced Ohioan was forced out by a sex scandal. While this reputation was highly exaggerated as well as unfair because it failed to take into account his many successful battles for progressive legislation, it nevertheless proved unshakable. His opponents peddled and embroidered it — particularly with the new class of freshmen. Many of these newcomers were not in a mood to pick up the fragments from a possible O'Neill-Burton collision but instead wanted a smooth-working, don't-rock-the-boat leadership team. Wright, with a soothing personality and great public charm, suited them just fine. In the final analysis, the outcome was a Burton defeat more than a Wright victory. And that tells worlds about the impact of personality over ideology, style over substance, in a bare-knuckles battle for congressional leadership. The caucus had voted its heart — not its mind.

The morning after, on December 7th, Sisk told a California caucus that he was sick and tired of divisions in the delegation which always permitted other states to pick up the big marbles. His colleagues just nodded. None had the bad manners to challenge his chutzpah and ask him whether he had voted for a Californian in the final round. Liberals in the delegation showed a bit of their old muscle when they elected Henry Waxman of Los Angeles, a strong Burton supporter, to the House Democratic Policy and Steering Committee. Waxman beat Anderson, who had backed Wright, by a vote of 15 to 10. O'Neill, however, countered this move by appointing a non-Burton Californian, George Danielson of Los Angeles, to another spot on Policy and Steering. The 24-member panel makes committee assignments, picks committee chairmen for ratification by the caucus and helps the leadership chart legislative strategy. With Waxman and Danielson both on the committee, that should help keep California nicely split — and O'Neill content.

While routed in the House, California Democrats still had high hopes of capturing a major leadership post on the other side of Capitol Hill, where Alan Cranston was pushing an uncontested bid for majority whip. As the 95th Congress prepared to open, it appeared California would have greater success in the upper house, where the state has only two percent of the seats, than in the lower chamber, where it accounts for 10 percent of the membership. In the House, the state had two of the four top leadership slots in the last two years — Burton as caucus chairman and McFall as whip. Today, the House leadership score for California is zero.

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HERE COME DISTRICT ELECTIONS

The political ascent of San Francisco neighborhoods

By ROBERT FEINBAUM

Four years ago, Visitacion Valley, on the city's southeast line, was almost an invisible part of San Francisco. As far as Model Cities and other neighborhood programs were concerned, it was lumped in with Bayview-Hunters Point for administrative purposes. "Anytime there was money, Hunters Point got everything and we got nothing," recalls John Haug, former president of the Visitacion Valley's All People's Coalition, one of the city's most vocal neighborhood action groups. All that's changed now. The people at city hall, says Haug, "are learning that Visitacion Valley is Visitacion Valley, and not Bayview-Hunters Point. We've been the doormat of San Francisco for many years. But now we have the power and we're going to use it to better our community."

What's happening in Visitacion Valley is happening all over town. From patrician Pacific Heights to working-class Excelsior, from the outer Sunset to the Haight Ashbury, neighborhood groups have started to make themselves felt in the political life of the City.

Prolific movement

According to Roger Hurlbert, the San Francisco Planning and Urban Renewal Association's (SPUR) neighborhood services advisor, there are over 100 active neighborhood groups in San Francisco today. They may represent a few blocks or 12 square miles. Membership ranges from two dozen to almost 1,000. In fact, the largest group in the city, the Planning Association for the Richmond (PAR), may be the largest neighborhood group in northern California.

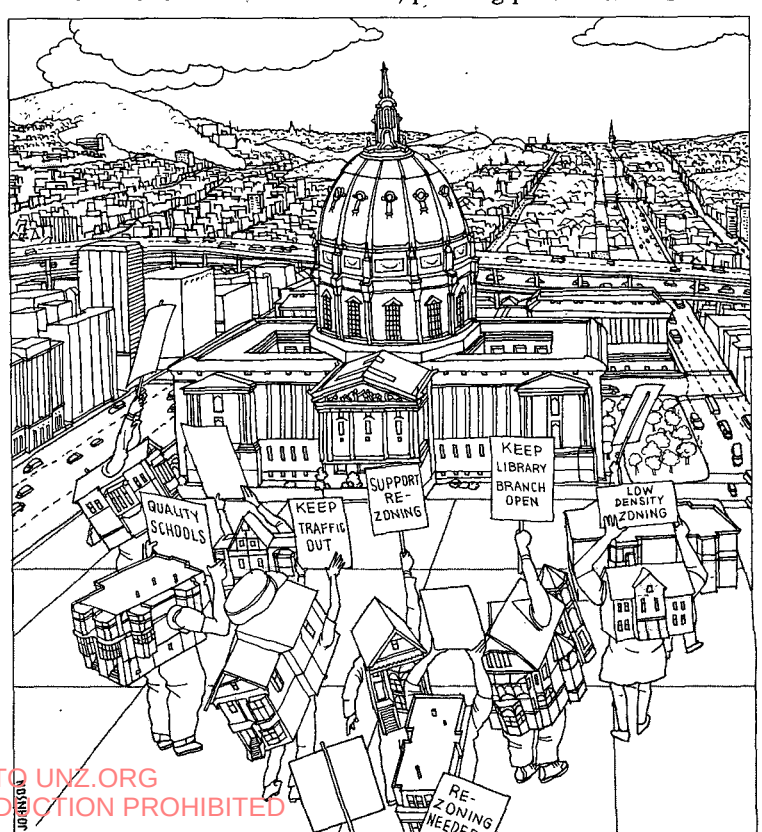
Only a few of these groups are like the All People's Coalition (APC) which helped Visitacion Valley. APC is composed of thirty member groups — churches, book clubs, teenage groups, public housing tenants, ethnic and special-interest groups — that send delegates to a community congress to elect officers, adopt resolutions and form committees to carry out actions. APC employs several full-time organizers who make contacts in the community, help work out tactics and coordinate group actions. The organization is continually active, reflecting community organizer Saul Alinsky's dictum, "Cessation of action brings death to the organization."

Traditional improvement associations are at the opposite end of the spectrum. They fulfill mandatory membership requirements of deed restrictions established by the original developers of an area. Many have been around for a half century or more. Members tend to be middle-aged or elderly. If any employees are on the payroll, they are usually gardeners engaged to maintain common areas. Few members are active. "Action" usually consists of sending letters to the Board of Supervisors or to department heads asking them to deal with complaints.

Between these sporadically active homeowners associations and the militant, multi-issue organizations lies a wide range of groups with a reformist bent. Often brought into being in reaction to a specific threat to the neighborhood environment, these groups soon start to look for general solutions to their problems.

Reformist associations have sprung up in the past decade, primarily in middle class areas of the city. "I make no apologies for the middle class nature of our organization," says Arden Danekas, president of PAR. "Somebody's got to be doing this work." Support for the organization, in almost every case, comes largely from members' dues. The exception is a group in the Sunset, SPEAK (Sunset-Parkside Education and Action Committee) which has received substantial foundation grants. SPEAK's budget is around $50,000 this year, but for all the others, budgets range from $1,000 to $5,000. That usually provides just enough to pay for the group's events, supplies and a newsletter to members.

People get involved in neighborhood groups for a variety of reasons. Some have immediate, pressing problems. "If I



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hadn't gotten active," says Doug Engmann of the Stanyan-Fulton Association, "my house would have been taken from me and torn down." Some remember sad experiences in other cities and hope that neighborhood action can prevent recurrences in San Francisco.

Interest may be sparked by specific neighborhood problems. Claire Pilcher of Friends of Noe Valley talks about the quality of the schools, shutting down a branch library, the trend of business on 24th Street, complaints about litter, dogs and transportation as some of the concerns in her area. "Neighborhood groups serve the same purpose that town hall meetings served. They get neighbors together to work on problems and try to resolve some of them . . . ."

People are drawn to neighborhood groups because individuals can rarely get results, while organized groups often can. "One person can fight till he's blue in the face but it won't do him any good" remarks Rose Sarao, the new president of COMO (Communities of the Outer Mission). "When you find there's a way to get things done, then it's worth getting involved."

Over the past few years these groups have won some significant victories:

- *A number of associations successfully protected their areas from increased density. The breakthrough occurred five years ago in the Haight Ashbury. The area's warring groups briefly buried the hatchet to lobby for a rezoning proposal. Rezoning of Pacific Heights and other neighborhoods followed in rapid succession. So many applications were received from neighborhood groups that the supervisors approved a two-year study of residential zoning for the entire city. In the interim, regulations aimed at retention of existing housing patterns were adopted.*
- *Through five years of hard work, the Planning Association for the Richmond was able to obtain a protected-neighborhood transportation plan for the inner Richmond.*
- *More than three years ago the Haight Neighborhood Council conceived a program to aid low-income people with down payments on houses in the neighborhood. The money – $90,000 for a pilot project – was to come from revenue sharing funds. The supervisors recently approved the program, but many of the original beneficiaries have been driven out of the neighborhood by increases in rent.*
- *In December 1973, St. Mary's Hospital announced plans to use its power of eminent domain to acquire 10 houses, tear them down, and construct a new office and garage complex for its doctors. Residents around Stanyan and Fulton Streets started to fight. Both the planning commission and the supervisors approved the project. The neighbors went to court and, six months later, Judge Ira Brown ruled for the residents. The hospital intends to appeal, but the houses still stand.*

Two evolvement theories

San Francisco's neighborhood groups have started in either of two ways: through the efforts of a trained organizer, or through the efforts of people bonded together to do something about common problems. Only a few groups have been formed by professional organizers, and all of those have been started in predominantly working class areas of the city.

Organizers use block clubs as a means of focusing neighborhood energies. Charles Bolton is one of two block club organizers for the Mission Planning Council. So far, he's organized 13 active block clubs. At the first meeting, Bolton lists all the problems that group members can think of, and then has them vote on what to do first, second and third. Finally, "we decide the place and time of the next meeting and draft or pick a chairperson. Then I basically work with that person. The militancy or strategy is up to the people. It may be going downtown, or meeting with park and recreation officials at a playground that is not being properly maintained, or picketing an absentee landlord who refuses to fix up his property."

Most middle-class neighborhood associations were self-generated. Claire Pilcher describes a fairly typical beginning. After state legislation passed in 1971 to allow mental health centers in neighborhoods, she and some other people got 500 signatures on a petition to locate a center in the Noe Valley. They took their proposal before the Board of Supervisors, but were defeated on a 6-5 vote. Their opposition came from a small neighborhood improvement club that had been in existence for a long time. In order to gain credibility, she was advised, "Form a neighborhood group of your own."

She sent a letter to those who had signed the petition, inviting them to a neighborhood meeting. About 200 came. The group began to take on projects — planting 200 trees, keeping the local branch library open, rezoning several blocks. During the 1971 city election, Friends of Noe Valley made its mark. Recalls Pilcher: "We held the largest candidates night that any neighborhood group had ever held. That's when we got credibility at city hall."

The two largest reformist groups started in a somewhat different way. The Planning Association for the Richmond (PAR) began in 1970 with a SPUR-sponsored study of the area. "Neighborhood groups that had been in the Richmond fell apart over the busing issue," Arden Danekas recalls. "The Richmond was an ideal place to do something. It hadn't gone downhill yet, but the potential for doing so was there." The study produced a Richmond district improvement plan. Committees of residents worked over the policies for two years, until they were adopted at meetings in various parts of the district. PAR's committees started pressing for city action to implement its recommendations.

Now a political force

Two years before the Richmond effort got underway, about 20 clergy and laymen started meeting to discuss problems in the Sunset — especially those relating to busing and providing quality education. SPEAK grew out of those meetings. When it began in 1969, it had three areas of concern — public education, environmental issues and social issues. It still maintains separate sections, all reporting to the board of directors, to deal with those matters. SPEAK received seed money from a local foundation, and as the years have gone by, has attracted more foundation grants to turn out reports on various aspects of education and housing.

After his election as mayor, George Moscone appointed a number of neighborhood leaders to a screening committee that went over applications for important city commissions. Several of those leaders were chosen for places on commissions that dealt with development issues.

Some people regard such appointments as indications of the growing power of neighborhood groups. "When you're negotiating with force, they come around," says APC's John Haug. Others see the neighborhoods' new strength stemming from the losses of the old power groups. "Traditionally, organized labor and downtown ran the city," says Terry Covert. "Over the last two years, neighborhood groups have become a third force to balance the other two. If we side with the Chamber of Commerce, as on the police strike, that side will be successful; if we side with labor, they'd be successful" (as on ward election of supervisors). Add one more dimension to the influence of neighborhood groups: limitations on campaign spending force more person-to-person campaigning and, thus, more attention to neighborhoods.

Other neighborhood leaders aren't convinced that things have changed all that much. Roy Jackson of OMI acknowl-

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The labor-environmentalist-neighborhood coalition victory over downtown

On November 2nd, San Francisco voters decided to elect members of the Board of Supervisors by districts rather than at large. The change heralded a big victory for neighborhood activists who had long complained that the board was unresponsive to their interests. San Francisco will be divided into 11 districts, and one supervisor, who must reside in the area, will be elected from each.

The proposition was sponsored by San Franciscans for District Elections, which banded together for that purpose in January. Its initial move was to counter criticism leveled against an unsuccessful 1973 proposal that there had been little input from the neighborhoods in drawing up district lines. Sixteen hearings were held throughout the city. A drafting committee was selected from those meetings to draw up the final lines, and over 600 workers turned in nearly 33,000 signatures (22,147 were needed) to qualify Proposition T for the ballot.

Ten of the eleven supervisors opposed Proposition T. Mayor George Moscone, who had previously supported the idea of district elections, didn't take a public stand. The Chamber of Commerce and the "downtown" business interests bankrolled the opposition, which ran billboards and bus signs all over town proclaiming "Divided We Fall — No on T." The city's three newspapers — the Chronicle, the Examiner and the Progress — all came out against "T."

However, district elections had some powerful friends. The San Francisco Labor Council, smarting over the supervisors' actions in the city strike, endorsed the plan, as did Environmental groups. The Coalition of San Francisco Neighborhoods, on a nearly unanimous vote, reflected the sentiment of neighborhood activists to support the measure.

Proponents claimed that San Francisco didn't have a truly representative government. Seven of the supervisors lived in two of the wealthy areas of the city, while none lived in the populous blue-collar and minority areas. Countered Supervisor John Barbagelata, "It is a naked power grab. If passed, it will destroy the city." "T" passed by a vote of 115,008 in favor and 104,204 opposed.

Soon after the results were certified, members of the Board of Supervisors started talking about a referendum on district elections. It appears likely that another initiative will be circulated to repeal "T" before it can go into effect, and a special election may be in the offing for June. The fight over how supervisors are elected may just be heating up.

edges that neighborhood people are being heard more often now, but isn't "sure whether there's been any effect on decision-making." Betty Mosias from the Haight Ashbury Improvement Association observed that "certain neighborhood groups have certain ears, especially the Mayor's." But she adds, "Our group hasn't gotten any more influence." Anna Darden, president of the rival group in the Haight, agrees: "The supervisors aren't any more responsive to neighborhoods than before, even though we do tend to see a great deal of them around election time." Arden Danekas concludes that until neighborhoods elect a slate of supervisors, they won't have real power.

Active neighborhood leaders are seriously considering putting such a slate together for the next city election. Perhaps that will be the ultimate test of the neighborhood movement — whether it can elect its own candidates to the board of supervisors and gain working control over city hall. But despite the reservations of some neighborhood leaders, it seems clear that the groups are becoming more politically sophisticated. Mayor Moscone recognizes that fact: "It's been the trend since 1965 when neighborhoods mobilized to fight the freeway proposals," he said. What is new is the sharing of power. "There is not as great a disparity as there once was. Neighborhoods from the Excelsior have closed the gap between their power and the power of the Inner Sunset," the mayor says.

Changing attitudes

The growing influence of neighborhood groups comes from the changing attitudes of people living in the city. There is a new willingness to do battle with city hall, with private developers and with others who threaten the quality of neighborhood life. Some of it comes from a feeling that government won't do things *for* people, but *to* people. There is little faith in the bureaucrats or the supervisors, and a consequent feeling that if the neighborhood interests are to be protected, neighbors themselves will have to do the protecting.

The staggering rise in the price of housing has lessened the ability of middle-class people to move to the suburbs. They have to stay and fight. Add to that a leavening of "urban pioneers" — people who have moved to the city because of the amenities it has to offer — and the ingredients for a feisty neighborhood movement are all there.

As neighborhood groups have developed, so has the institutional framework allowing them to exert influence more effectively. The Coalition for San Francisco Neighborhoods, a city-wide federation of groups, started in 1973 from a wide-spread concern over the residential zoning study. The Coalition meets monthly to share information about matters of mutual interest. It has a cumbersome method for taking positions on issues, but the process can be used to give additional clout to groups seeking support for their own stands.

The growing concern of San Franciscans about the liveability of their neighborhoods has provided the political base for neighborhood associations. Active members, staff assistance, coordinating organizations — whether on a city-wide or an area-wide basis — have developed proposals, transmitted requests and kept pressure on decision makers.

Although the neighborhood movement is far from monolithic, all the groups, in their own way, share the goal of keeping neighborhoods from deteriorating. Most would echo the sentiment that "What's in the best interest of the neighborhoods is in the best interests of San Francisco." All share in trying to create a community where people count, and where ordinary citizens can deal effectively with the problems of urban life. That's just possibly where the salvation of the cities may be found — not in technological gimmickry or charismatic politicians, but in the ability of people to lead decent lives in an environment they can control and enjoy.

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BROSSMAN'S MISSION IMPOSSIBLE

The state-local conflict over community-college control

By Barbara J. Swain

For the past eight years, Sidney Brossman has walked a tightrope. As chancellor of California's Community Colleges, Brossman has performed a tenuous balancing act between guarding the local autonomy of community colleges and providing leadership and direction for the system on a statewide basis.

Now, Brossman has fallen — or stepped down — from his fine wire. At a meeting of the Community College's board of governors last September, Brossman announced his resignation as the only chancellor the community colleges have known since they were melded into a state system in 1967. In his resignation speech, Brossman cited a desire to "turn (his) attention to other interests" as his motive for leaving office, but there apparently were many factors, including a "suggestion" by the board that he resign.

Brossman denies his resignation was anything other than self-inspired, but he and his staff have been the targets of criticism from all sides for years. The state Department of Finance, the Legislature, the California Community and Junior College Association (CCJCA) and, more recently, some members of the board have vocalized discontent with the chancellor. Often the criticism was aimed directly and personally at Brossman, but the paradoxical wording of the state law which created the chancellor's office leaves any incumbent wide open to attack.

During the 1960's, the Legislature began considering the removal of the community colleges from the auspices of the state Board of Education and the establishment of an independent system. At this time, there was a consensus that both local control and financial responsibility should be kept at a maximum. Because the state supplied less than half (approximately 40 percent) of the community colleges' budget, local college spokesmen and the CCJCA were determined to preserve the autonomy the campuses enjoyed under the Department of Education. Others felt that the 40 percent budget appropriation justified a substantial amount of state control.

Dual mandate

To accommodate both views, the Legislature in 1967 created the board of governors and the chancellor's office, and handed them a dual mandate — the responsibility for "maintaining and controlling . . . local autonomy of the community colleges," while concurrently "providing leadership and direction in the continuing development of community colleges as a coordinated state system." These conflicting legal responsibilities provided the ammunition for the recent attacks on Brossman and the role of his office. The Department of Finance and the Legislature have pressed for more state control, often in the form of local accountability to the state for policies and expenditure levels, while the CCJCA and community college leaders have accused the chancellor of permitting the state to infringe on local autonomy.

California's community college system provides a challenge to any form of administration. It is both the oldest and largest organization of its kind in the country. Sharing responsibilities with the University of California and California State Universities, it is the largest branch of the state's tripartite system of higher education. Each college provides services geared to its own community. Schools range from rural institutions with enrollments under 500 to systems in urban areas with more than 20,000 students.

The chancellor's role has become increasingly complicated as the colleges undergo an era of burgeoning enrollment and program development. While expanding enrollment and the implementation of innovative educational programs

The author, a political-science student at Scripps College in Claremont, prepared this article as a Journal *intern.*

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may be an indicator of success, it also increases the amount of state dollars going to community colleges. As its fiscal involvement grows, the state is demanding more and more local accountability.

The state-local conflict over control of the community colleges was not the only reason behind Brossman's resignation. Weak legislative input, limited information dissemination and the inefficient management of the chancellor's office also have been mentioned. But the central issue of state versus local control pervades every attack made on Brossman and, further, every issue involving the community colleges

Assault on Brossman

Perhaps the earliest massive assault on Brossman was an audit report published by the Department of Finance in 1973. The conclusion of this report was stated clearly: "The principal finding of this study is that the board of governors and the chancellor's office have not fulfilled the intent of the Legislature to provide leadership and direction for the community college system, but rather have served as a state agency to protect local autonomy." It recommended that the board become what it originally was designed to be, a "coordinating board" that does not "simply serve the districts," but is responsible for "decisions that can best be made at the state level."

An audit report published three years ago may seem like ancient history, but the philosophical battleground still exists. The hassle over authority increased in the intervening years as many of the community colleges' traditional precepts were challenged. Local control over courses, community services and free admission of students have been questioned, each involving the state-local dispute in some manner.

One of the most recent fights involved the search for an alternative to the cap on state-supported enrollment in the Governor's 1975 budget. The cap denied state support for more than a five percent increase in student enrollment, which, if continued throughout 1976-77, would save the state an estimated $97.5 million. This policy was aimed primarily at slowing the enrollment rate of adult students, many of whom are part time and attracted by what the Department of Finance termed "recreational" courses.

The concern over the large increase in part-time students is well founded. California's 96 community colleges have undergone a major personality change in the past five years. Their dominant function switched from providing high school graduates with a traditional two-year program or occupational training, to serving part-time adult students in continuing education programs. Included in a report published by the California Postsecondary Education Commission earlier this year were a few startling statistics: part-time students comprise two-thirds of the enrollment at the colleges; a sample survey of 32 colleges showed only eight percent of the students completing requirements for two-year associate degrees or certificates; out of more than a million students enrolled in 1974, only 41,000 transferred from community colleges to four-year institutions.

The Governor combatted the cost of this increasing enrollment by supporting no more than a five percent increase in average daily attendance. If individual communities wanted to admit more new students, then the local taxpayers had to carry the burden. Districts were left with a choice of evils.

Community colleges, under an "open-door policy" set forth in state law, are forbidden to refuse admission to any qualified district resident. Conversely, the law also restricts the schools' ability to increase local revenues through tax levies. With the state cap, colleges were left with a choice of either eliminating programs which the community endorsed through attendance or eating the additional costs. Most boards opted for the latter solution in hopes that the cap would be temporary. This solution was particularly onerous in those areas where total community growth was extreme, such as parts of Orange County.

Because of this and other problems, this year the Legislature received a deluge of proposed alternatives to the 1976-77 budget cap. The Department of Finance, the Postsecondary Education Commission and the board of governors all proposed elimination of state funding for recreational courses. It was hoped this would allow the colleges to retain their open door policy while discouraging part-time students, including what board member Jean Trapnell described as "dilettante" students.

Community college leaders and the CCJCA screamed out in protest over this solution. Walter M. Garcia, president of the CCJCA, expressed concern that such a measure would give the state power to exercise program control. He predicted that the state would, "define what is recreational, and what is not, and then fund courses on that basis."

Another proposal to curb the cost of adult education was mandatory tuition fees for students. Along with a recommendation to ban funding for recreational courses, the Department of Finance endorsed the fee proposal. Some members of the board of governors considered a similar step, the establishment of a fee-deposit system. Under the system, a student would deposit a sum of money at the outset of a course, and retrieve it only if the course was completed. The fee plan found support among a few legislators, including both education committee chairmen Assemblyman Leroy Greene and Senator Albert Rodda. Community college leaders were adamant that nothing be done to disturb the policy of free admission. They were joined by the Legislative Analyst's Office, and the proposal (SB 1871) died in Senate Finance Committee.

No abatement in tension

While the attacks on the chancellor's office have often been aimed at Brossman personally, the tension between state and local interests shows no signs of abating while the search is on for a second chancellor. Already, conflicting opinions of what is desired in a replacement have surfaced. Dr. Stephen Weiner of Stanford University, a recent Brown appointee to the board of governors, has done extensive research on the community colleges and the chancellor's office. Weiner would like the new chancellor to demonstrate political skills by working more efficiently with the Legislature and various state departments, to provide intellectual leadership by helping state government keep informed of community college affairs and to manage his own office well by developing and utilizing staff expertise.

Many of the problems discovered by the Department of Finance three years ago still exist today. The chancellor's office is still unable to provide all the information requested

(continued on page 27)

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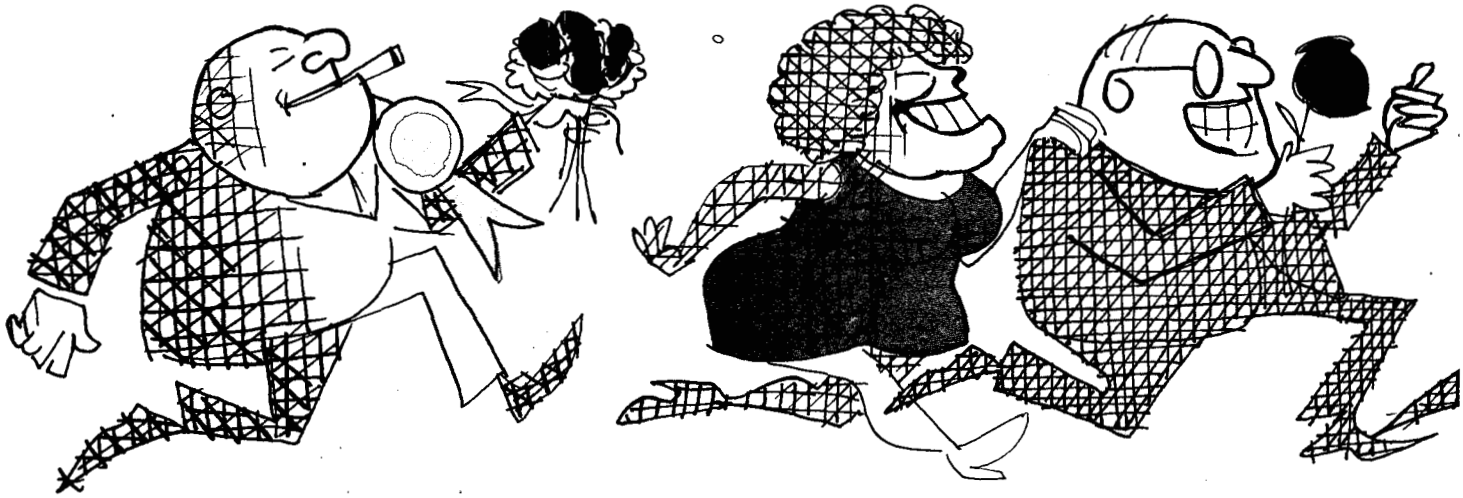

Ritual dance of the candidates wooing editors

'Isn't there a better way?'

Peter Kaye is associate editor of the San Diego Union.

By PETER KAYE

About two years ago, *California Journal* ran a behind-the-scenes look at a political ritual — the process by which newspapers endorse candidates. (See *CJ*, April 1975.) The author, who had been press secretary to Republican gubernatorial candidate Houston I. Flournoy, said:

- Newspaper editorial boards often are lazy, ill informed and disinterested in candidates.
- It makes little difference what a candidate does or says since the newspaper's policy usually is determined ahead of time.
- Newspaper endorsements really aren't all that important anyway.

As a member of the editorial board of the *San Diego Union* which interviewed 103 candidates during the recent campaign, I strongly object to these conclusions.

I'd object even more strongly if I weren't the author of the original article.

This is the classic case of the chickens coming home to roost. I'd like to amend that first story. After sitting through hours of interviews with candidates, I now say:

- Candidates often are lazy, ill informed and disinterested in the issues.
- It makes a lot of difference what candidates do or say since newspapers often are the only conduit between them and the voters.
- Newspaper endorsements really are important, especially for lesser-known candidates and issues.

Does all this mean that I've been born again as a newspaperman after backsliding a couple of times along the campaign trail? Not really. The truth is that there is as much difference among candidates as there is among newspapers.

Hugh Flournoy was a knowledgeable, responsible candidate whose intelligence often was insulted by the editors who interviewed him. The *San Diego Union* editorial board, at least the 1976 version, is a reasonably conscientious group which frequently was appalled by the candidates it interviewed. Consider:

The candidate for Assembly who tried to convince us that it is unconstitutional for school boards to levy property taxes.

The well-known candidate for United States Senate who said he "had no knowledge" on a variety of issues ranging from foreign policy to energy.

The candidate for county supervisor who told us he favored controls on growth while he was telling our reporters that such controls are bad for the community.

The Assembly nominee who refused to appear before the editorial board "on the advice of my attorney."

The Republican nominee for vice president who said he really hadn't given much thought to the office he was seeking.

Our experience wasn't unique. About halfway through the

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campaign, I received a phone call from Gayle Montgomery of the *Oakland Tribune*. "Isn't there a better way to pick candidates?" he asked.

The answer then and now is apparently not. In one form or another, almost every major newspaper in the state utilizes interviews by an editorial board as a basis for its endorsements of candidates and ballot issues.

Some are selective. The *Los Angeles Times* interviewed relatively few of the candidates in its huge circulation area and made only a handful of endorsements. But the *Times* did break its rule against taking sides in major races to support Senator John Tunney.

Other newspapers interview and endorse exhaustively. The *Oakland Tribune* not only talked to local, state and national candidates, but also interviewed some 87 aspirants to seats on the Bay Area Rapid Transit board. The *San Diego Union* made recommendations for all offices and propositions on ballots in its circulation area. Sometimes the choice was as difficult for us as it was for the voter.

For the first time in anyone's memory, the *Union* endorsed a Democrat for partisan office — Congressman Lionel Van Deerlin. The next day, two Democratic Assemblymen, Wadie Deddeh and Larry Kapiloff, were supported. All three won.

The actual endorsement process was informal with the entire editorial board plus editor Gerald Warren and publisher Helen Copley participating. Each member had a voice and a vote, but it is fair to say that some votes counted for more than others. Twelve of the 17 candidates endorsed by the *Union* on the November 2nd ballot won. The batting average was about the same for propositions — 13 of 15 state propositions and 7 of 10 local measures.

One final note. Only two candidates came right out and asked the editorial board for newspaper endorsements in the general election. Both of them got it and won.

Advice to a candidate

Most candidates are scared to death when they first appear before a group of newspaper editors. If they remember these few simple rules, they may not get an endorsement, but they will know they've behaved like seasoned campaigners:

Don't worry about being prompt. Newspaper editors have little to do except talk to candidates.

Start right off by complaining about campaign coverage. This will endear you to any reporters present by showing their bosses how perceptive you are.

Bring along the results of a poll which shows how well you are doing. It doesn't matter if your campaign workers took it in your headquarters the night before. It's the figures that count.

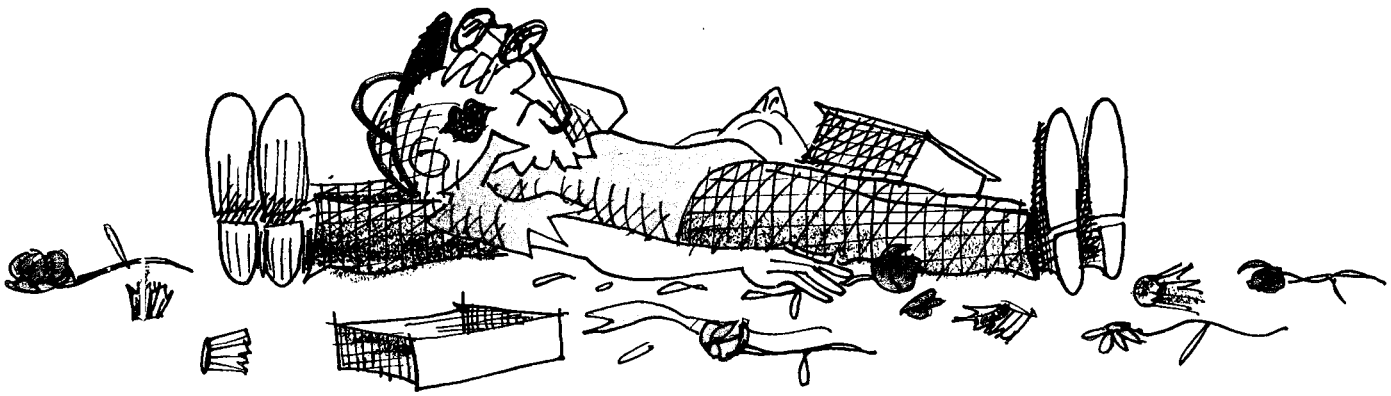
Take care to mispronounce the name of the editor or publisher. (In the *Union*'s case, Copley should be mispronounced to rhyme with hopely.)

When someone asks you for a detailed position on an issue, quickly pass out some campaign literature.

If you get a tough question, let your campaign manager or press secretary answer for you. After all, that's why you're paying them.

When questioned about your own inconsistencies or inaccuracies, get on the subject of your opponent as quickly as possible.

If the questioning really gets hot, explain that you have to leave because of a more important engagement.



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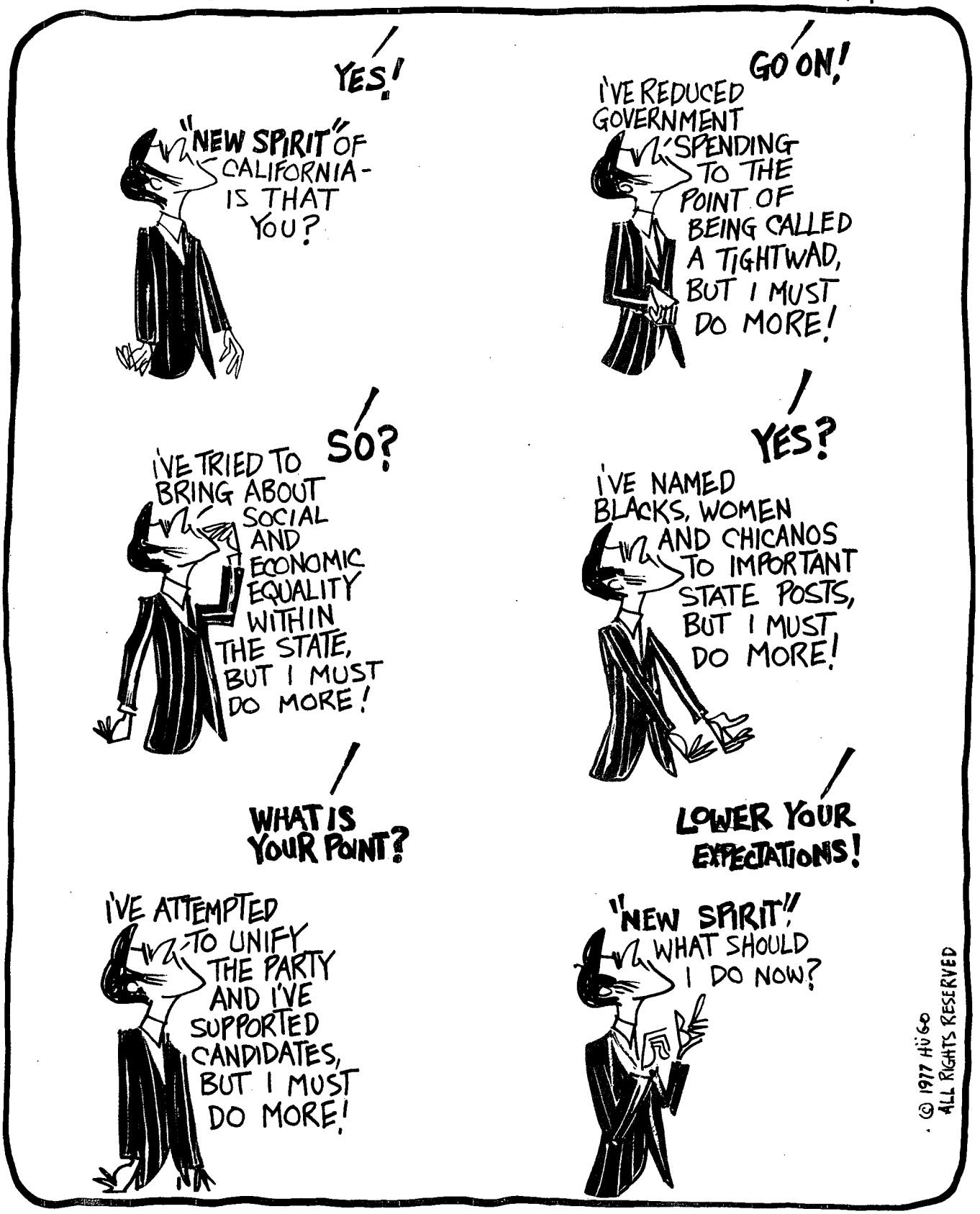
Caucus

by HüGo


YES!
"NEW SPIRIT" OF CALIFORNIA - IS THAT YOU?
GO ON!
I'VE REDUCED GOVERNMENT SPENDING TO THE POINT OF BEING CALLED A TIGHTWAD, BUT I MUST DO MORE!
SO?
I'VE TRIED TO BRING ABOUT SOCIAL AND ECONOMIC EQUALITY WITHIN THE STATE, BUT I MUST DO MORE!
YES?
I'VE NAMED BLACKS, WOMEN AND CHICANOS TO IMPORTANT STATE POSTS, BUT I MUST DO MORE!
WHAT IS YOUR POINT?
LOWER YOUR EXPECTATIONS!
I'VE ATTEMPTED TO UNIFY THE PARTY AND I'VE SUPPORTED CANDIDATES, BUT I MUST DO MORE!
"NEW SPIRIT"! WHAT SHOULD I DO NOW?
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REQUIEM FOR A LIGHTWEIGHT

Hallelujah! The death of a public agency (almost)

By LEE FREMSTAD

The same lawmakers who in the 1976 session gave you the well-discussed right-to-die bill also with less fanfare pulled the plug on the life-sustaining machinery of a bureaucratic basket-case.

Their creature has not gone quietly in its terminal months. In fact, with its institutional adrenaline up, the creation of Assemblyman John T. Knox which is known as the Bay Area Sewer Services Agency displayed such instincts for survival that the astonished legislator was hard put to stamp it out.

The agency, known to its friends and critics by its initials BASSA, offers in its brief lifespan a classic, textbook example of how difficult it is to kill anything government has created.

BASSA's headstone will fix the date of death as midnight December 31st, 1976. Knox, a Richmond Democrat, provided in his repealer legislation for the Alameda County auditor to act as a sort of executor, to disburse back to the nine sponsoring Bay Area counties the $600,000 or so the agency has been accumulating in various bank accounts.

In the beginning . . .

BASSA's biography begins in 1971 with Knox's legislation to create a Bay Area agency to prepare and put into effect a waste-water management facility plan. The bill anticipated the 1972 Congressional amendments to the Water Pollution Control Act which provided for areawide — rather than local — waste treatment management plans.

The California Legislature gave BASSA authority to support itself by apportioning its revenue needs among the nine Bay Area counties: Alameda, San Francisco, Santa Clara, Contra Costa, San Mateo, Marin, Napa, Solano and Sonoma. The agency board of trustees was created roughly in proportion to the bayside population of those counties, i.e., five trustees each from Alameda and Santa Clara Counties, three from San Francisco, two from Contra Costa and San Mateo and one each from the others.

BASSA had a lid on the amount it could draw from the counties, equal to a half-cent per $100 assessed valuation. But it easily raised its $400,000 to $600,000 per year without approaching the limit. The 1976-1977 apportionment, for instance, equals a rate of .00232 cents per $100.

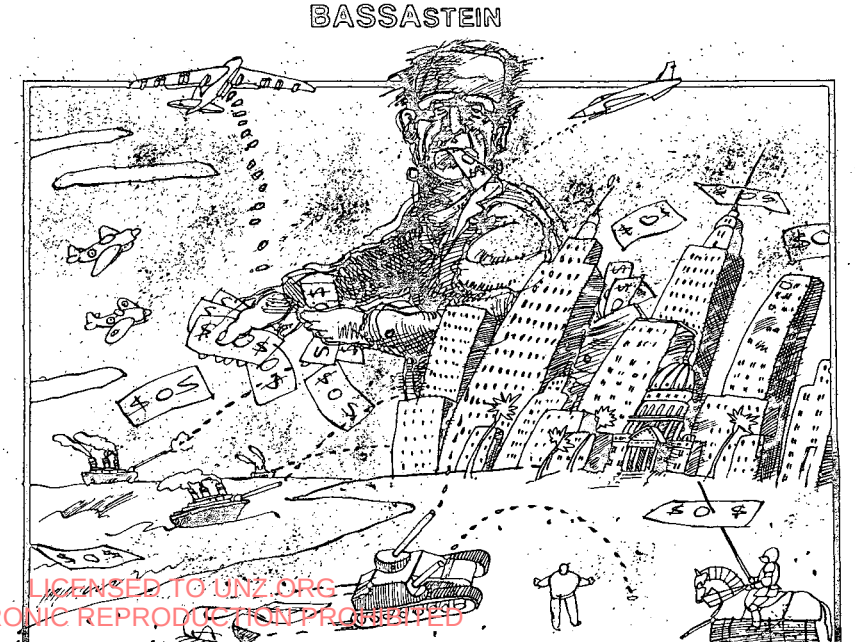
With money and a mandate, BASSA came to life in 1972. There are more than 100 different local agencies charged with sewerage responsibilities in the region and more than 70 industries discharging waste into the bay instead of public sewer systems. The agency was to be responsible for coordinating planning for all of them.

By a purely bureaucratic yardstick, BASSA was a success. The staff rose to as high as 14, plus hired consultants; memoranda flowed, resolutions were resolved and there was a suite of offices in the Claremont Hotel in Berkeley. The trustees' meeting agendas ran to two pages:

- *Item:* "Alameda County Flood Control and Water Conservation District — Zone 7 Reporting Coordination with Livermore Amador Valley Water Management Agency. (Refer to Planning Committee.)"
- *Item:* "Public Hearing to Receive Testimony regarding Agency to be Designated Lead Agent for San Mateo County Midcoastside Subregional Wastewater Management Project."

Trustees were paid $50 per meeting, and meetings were as frequent as weekly. They lasted for an hour or so after the trustees had dinner, although at times the board disposed of business in as little as 40 minutes. Revenues piled up. The board carried over comfortable balances every year, money squirreled away in agency bank accounts. Last April, for example, the minutes record a net balance of $569,000 in savings and certificates of deposit. In November, cash balances totaled some $617,000.

But four years and some $1.8 million later, just what has BASSA accom-



The author is a Capitol reporter for the Sacramento Bee.

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plished? Any obituary ought to recite the deceased's accomplishments. Knox and Senator Milton Marks, the San Francisco Republican who heads the Senate Local Government Committee, among others, felt BASSA's years have been less than productive.

Its big job was to produce a regional water quality management plan — but the document the staff came up with and the board adopted in December 1975 is described simply as a nearly complete duplication of the basin plan adopted eight months earlier by the San Francisco Regional Water Quality Control Board. Moreover, the Association of Bay Area Governments (ABAG), and not BASSA, won the $2.8 million Environmental Protection Agency (EPA) grant in 1973 for area waste treatment management planning.

Creature of wonder

By 1975 Knox and the other BASSA-watchers at the Capitol began wondering what their creature was good for. General Manager Paul Soltow left the agency late in '75, the trustees kept meeting, the money kept piling up — and finally Knox asked the Legislative Analyst to issue a BASSA report card.

Analyst A. Alan Post gave it failing grades. "BASSA's efforts to comply with the legislative direction appear generally duplicative or inadequate with a few exceptions . . . ," Post reported in April of this year. He said the major product, the water quality management plan, "is based on and nearly completely duplicates" the document already published by the Bay Regional Water Quality Control Board.

"Has BASSA been worth the money spent?" asked Post, echoing Knox's query. "While this is a difficult assessment to make, it appears that the agency has not been worth the money spent. BASSA has operated for three and one-half years at a cost of $1,845,000 (as of June 1976) which includes $375,000 in a reserve fund which has not been expended. During this time BASSA has made only limited original contributions towards completion of the tasks which the Legislature mandated."

But by this time, BASSA was rolling on a momentum of its own. The board had hired its own Sacramento lobbyist, Advocation, Inc., for $600 a month. Advocation is operated by Donald Kent Brown whose major clients included Howard Hughes and Hughes Air West. With General Manager Soltow gone, the trusteees promoted clerk Mary K. Lee in December 1975 to be chief administrative officer at $1,712 per month ($20,544 per year).

BASSA had already ired its creator by lobbying against his annual efforts to create a multi-purpose planning agency for the Bay Area. But Knox was stunned at the intense lobbying effort BASSA mounted once he introduced his bill to repeal it outright. "Here they were in a defenseless position, and they almost beat us," marveled Knox. Donald Kent Brown and Ralph C. Bolin, Napa mayor and president of the BASSA board of trustees, fought BASSA's battles in Sacramento.

"It is very difficult to kill anything," Knox found. "People get an almost proprietary point of view. They say, You're trying to take 'our' money. Their money? We're talking about public money. They act as if it's a small business that belongs to them personally. I had to undo a lot of their lobbying to get the repeal legislation through. They begged to be given until the end of the fiscal year (June 30, 1977), but we refused because we knew they would use the time to lobby against us. Once ABAG got that federal contract, there was no longer any justification for BASSA's existence."

Knox prevailed and last August 30th Governor Jerry Brown signed BASSA's death warrant, AB 3041, with obvious relish. The Governor scrawled across the face of the bill: *Jack – Another blow for Freedom – one less govt dept. Jerry.*

Since the legislation was scheduled to take effect January 1st, everyone in Sacramento thought that would be the end of it. Except that a month later the BASSA board voted $10,000 to retain Walnut Creek attorney John A. Bohn, former consultant to the Senate Judiciary Committee, to file suit against Brown, ABAG, Environmental Protection Agency administrator Russell Train, the State Water Resources Control Board and 100 John Does. Plaintiffs include the agency, Mayor Bolin, Mary K. Lee, and San Francisco Supervisors Robert E. Gonzales, John L. Molinari and Robert H. Mendelsohn, all three BASSA trustees.

Dead agency's suit

The suit, filed in U.S. District Court in San Francisco on September 22nd, 1976, contends ABAG was illegally awarded the grant to do the planning chores BASSA thought it should do. The agency asks the court to enjoin the EPA from funding the study. Since BASSA already was scheduled to vanish in a legal puff of smoke on January 1st that quite naturally struck Knox as throwing $10,000 worth of good money after bad. "When people are having trouble getting up their property taxes, to throw money around like that is just awful," he said. In fact, BASSA has spent about $100,000 since Brown signed the bill. Knox calls that "outrageous" but is powerless to interfere.

As if to prove that there is life after death, the BASSA board in October, with only three dissenting votes, adopted a motion by trustee Jack D. Maltester, mayor of San Leandro, to award personal services contracts to administrative officer Lee, her secretary Betty R. Meadors and Tim M. Larin, director of finance and administrative services, "to effect an orderly closure" — after December 31st, 1976!

Orders accepted now

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The 1977 edition of the *California Journal* **ROSTER AND GOVERNMENT GUIDE**, our best-selling annual publication, will be available the end of January. The 12-page booklet, which will contain the names, addresses and telephone numbers of all the players in the Sacramento government game, as well as other useful reference material, will be sold at the same prices as the 1976 edition:

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VERDICT: GUILTY

Charge: Perpetuating an obsolete court system

By JOHN CHEEVERS

Every court-reform advocate sees reform differently. This is true even of those responsible for revision of the system. Governor Jerry Brown, sensing a white male-dominated bench unresponsive to poor and minority litigants, appointed more Black, Chicano and women judges, and slapped a cap on the judges' automatic pay raises to boot. The Legislature's main proponent of court reform, Senate Judiciary chairman Alfred Song, citing massive case pileups in many of the state's courts, called for a consolidation of the three-tiered system to speed up the judicial process. Other legislators clamored for different solutions.

Most of the reform bills that passed this year are cosmetic and will have little effect on the real concerns of Californians who use the courts: the skyrocketing costs of legal services and the years-long trial delays that drain litigants both financially and emotionally.

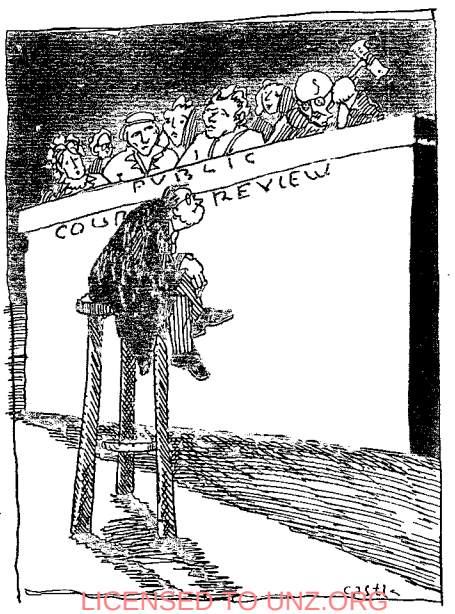
There is little disagreement that California's courts need reform. The court system seems unable to cope with the ever-growing number of cases being filed by a lawsuit-prone population. Newly developed areas in the law (such as consumer, environmental and poverty law) have added to the case load. In many courts, the backlog is at near-crisis proportions. A non-jury civil case takes over 38 months to come to trial in rural San Joaquin County. Even in Los Angeles, considered by many to be the best-run court system in the state, the wait is 22 months.

California's archaic system of 360 separate superior, municipal and justice-court districts aggravates trial delay and leads to unnecessary duplication, inefficiency and waste. The baffling maze of civil and criminal trial procedures also hampers the courts. One judge, commenting on the complexity of the system, said the constant stream of new statutes and court decisions makes the prospect of a more rational set of codes "next to impossible." At every level, the system is bogged down by a plethora of minor, but time-consuming, cases that could be disposed of by quasi-judicial bodies.

The author is a former Journal *intern now doing free-lance writing in Berkeley.*

Lacks urgency

Court reform doesn't get much attention. Ironically, one of the stumbling blocks to court reform is the quality of the most visible part of the system: judges. By almost any measure, California's bench in one of the best in the nation. It has more judges per capita than any other state (Los Angeles has more judges than Great Britain, although that country has four times the population), and its judges are the highest paid. The state's Supreme Court has a national reputation for activism and independence with decisions that struck down the death penalty (*People* v *Anderson*, 1972), ruled unconstitutional the state's system of public school financing (*Serrano* v *Priest*, 1971), and invalidated an anti-fair-housing initiative passed by the electorate (*Mulkey* v *Reitman*, 1966).



Court reform lacks the urgency that propels other reform efforts. In comparison, the court system is far less serious than medical malpractice or property tax reform as far as most politicians are concerned. The two players most directly involved in reform, the Legislature and the Governor, have limited powers to influence the courts. Besides paying some local court costs and operating state appellate courts, the Legislature has shown little willingness to enmesh itself in the tangle of local politics that surrounds the courts. And the governor, although he retains the important power to appoint judges, lacks any real administrative control over the courts.

The courts' workings are also influenced by the California Judicial Council (CJC), a constitutional agency charged with day-to-day administration of the court system. But the CJC can only act according to the dictates of its members — mostly judges who are usually split on major policy issues — and the organization generally moves with extreme caution.

CJC's refusal to lobby the Legislature on one such issue, judges' salaries, gave rise to another court-related force, the Conference of California Judges. Since its inception two years ago, the Conference has evolved into what amounts to a trade union for judges and concerns itself with salary and workload matters almost exclusively. Led by two legislators-turned-judges, Joseph Wapner and William Munnell, the Conference used its considerable political clout this year to kill a state officials' compensation bill that would have regulated judges' pay, and a court consolidation plan that also affected their salaries. But the tactics of the Conference, including direct lobbying on the Senate floor and the use of two highpowered professional lob-

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byists, Loren Smith and Bob Beckus, have alienated many legislators — especially Senate President pro Tempore James Mills and Governor Brown. The state Bar has also been involved in court reform, but it opposes reforms as often as it favors them, and then only to avoid state regulation.

The battle this year over a highly-touted court consolidation plan, SB 1500 and SCA 48, was a classic case study of how these parties affect court-related legislation, and an object lesson on the Legislature's limited powers to come up with any kind of comprehensive reforms. The legislation was sponsored by Senate Democrat Alfred Song following an exhaustive two-year study of the court system's ills. Heralded as a major overhaul of the courts, the bill sought to merge the state's three court levels — superior, municipal and justice courts — into single trial courts in most counties. All judges in these new "superior" courts would have had the same pay and status, while court cases would be managed by professional administrators. The idea was to create larger and, thus, fewer and more efficient judicial units. The plan would have the twofold benefit of equalizing workloads from court to court (urban courts are usually jammed, while most rural courts have lighter workloads), and consolidating California's archaic triple-tiered court system.

Upset interest groups

But the bills contained other provisions that rankled various interest groups, among them a shift of bailiffing responsibilities in trial courts from county sheriffs to marshals, and a cap on automatic salary hikes for judges inserted by Governor Brown as a quid pro quo for his support of the bill. The CJC split over the reorganization, with municipal court judges favoring it (they stood to be elevated in pay and status) and superior judges opposing it (they argued that elevating municipal judges would "dilute" the quality of the bench). CJC and the state Bar forced a compromise to divide the consolidated courts into "general" and "special" divisions, whose jurisdictions correspond to present superior and municipal courts. The Conference of Judges opposed the salary limit and immediately attacked the bill as a "Madison Avenue reform" and "cosmetic." The sheriffs also opposed it when they realized they would lose control of bailiff positions. Under heavy pressure from these groups, the bills barely squeaked through policy committee and were buried in the Senate Finance Committee, 9-3.

Brown, on the other hand, challenged the judges head-on. Prodded by his legal-affairs adviser J. Anthony Kline, Brown launched a series of attacks on high judicial salaries, the racial and sexual makeup of the bench, and what Kline describes as the "insularity" of many judges from social reality and the conditions which spawn crime.

Although he professes a "profound respect" for California's judges, Kline clearly thinks some changes are necessary. Yale-trained and active in legal-services circles, Kline has practiced in courts in Texas, Washington, D.C. and New York as well as California, once winning an injunction against San Francisco's giant Yerba Buena convention center that stalled the project for four years. His many brushes with state and federal judges apparently left some scars, however. His office is dominated by a huge color print of a grotesque, narrow-eyed judge, gavel in hand, captioned: "Overruled, Mr. Kline."

Shaped by Kline, Brown's court reform program has centered on stripping the bench of the aura of imperviousness that some claim has made it unrepresentative and unresponsive to most Californians, especially poor and minority litigants. In an attempt to rectify this, Brown has appointed an unusual percentage of Chicano, Black, Asian-American and women judges, and is expected to appoint a Black or a woman to the state Supreme Court to replace retiring Chief Justice Donald Wright next year. According to Kline, Brown believes his only "real impact" on the courts will be through his appointments.

Brown also made repeated attempts to end the automatic cost-of-living escalator that has allowed judges' salaries to zoom from a base pay of between $23,000-$34,000 to between $41,000-$61,000 in only nine years. Although his first try at capping judicial salaries was shot down, Brown prevailed in late August when the cap passed in a "hijacked" bill by Assemblyman John Knox. "There was a consensus developing," said Kline, explaining what some have called Brown's "vendetta" against the judges, "that judges were more concerned with preserving preferential treatment for themselves than serving the people of this state."

Many legal thinkers say that the real "developing consensus" is that the courts themselves are too old, too slow and too congested. They agree that reforms are needed that will:

- Streamline the court system to improve its overall efficiency and ability to allocate its resources sensibly.
- Eliminate formalistic and time-wasting civil and criminal procedures in order to speed the processing of cases.
- Submit routine cases to arbitration, mediation, ombudsmen, neighborhood courts or administrative tribunals run by lay people.

The argument for taking routine cases out of the courts is that there are large numbers of small cases involving factual disputes and not major legal issues which can be resolved quicker and less expensively out of court. Some observers say alternative legal forums such as arbitration would provide a better means of resolving such disputes as uncontested divorces, minor juvenile offenses, consumer complaints, family separations and other routine matters.

Of course, the simplest way to remove such issues from the courts is to do away with the issues themselves where possible. The best example of this is "no-fault" auto accident laws which eliminate the determination of negligence and permit easier, speedier settlements. (The campaign to institute no-fault in California has been on and off for years). Some authorities believe the no-fault principle should be extended to cases involving child custody, divorce and similar problems. But other than a small-scale arbitration system recently funded by the state, this area of reform has been almost completely ignored by politicians.

"Court reform" usually has been confined to mechanical tinkerings — a new court district here, a new judgeship there. The Legislature has yet to start thinking about reform as a combination of procedural and administrative overhauls, coupled with a new breed of judges. The Legislature has shown itself more disposed to cover its ears whenever "court reform" is mentioned, rather than take the hard steps necessary to resist the interest groups and reform the courts.

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Sim Van der Ryn – the small-is-beautiful salesman

By JOANN EDIV

Sim Van der Ryn walked into the packed bid room of the Office of State Architect and sat on the floor in the aisle. The occasion was a noon-time seminar, one in a series of meetings to expose state government workers to the concepts that have influenced the thinking of both Van der Ryn and the man who appointed him State Architect, Governor Jerry Brown. The audience, mostly in their thirties, brown-bagged it, listened, then supposedly took some of the new-think back to influence their offices.

Observers know state government isn't quite the same these days with unconventional agency heads like Van der Ryn upsetting old morés, infuriating entrenched bureaucrats and delighting many young, middle-level office workers. Van der Ryn advocates ideas that would rattle any bureaucratic cage, ideas that originated in the counter-culture movement of the sixties, ideas that will be difficult to sell to the millions of Californians who comprise the mainstream.

Van der Ryn's controversial brain-child is the Office of Appropriate Technology (OAT) which, when first announced in May, brought cries of anguish from critics: "Appropriate! Appropriate to what?" The word "appropriate" had a foreign, ludicrous sound. Critics should not have been surprised since Van der Ryn, after all, is a pioneer crusader for the Governor's "era-of-limits" philosophy. "Appropriate" is the key word not only to understanding the Office of Appropriate Technology, but also to the Brown Administration and the immediate future of California government.

Take OAT's seminars. They may tell where the current life style is headed. The seminars have covered such topics as water use and corporate land ownership, waste and urban housekeeping, urban gardens, cooperatives in California, and the role of appropriate technology in the development of Los Coyotes Indian Reservation.

Appropriate technology is . . .

How do you recognize appropriate technology (AT) when you see it? AT finds the cheapest, most ecologically sound way to survive, using labor-intensive, small-tool technology and renewable resources; it re-uses all organic wastes, putting back into the earth what has been taken out. These methods insure a continuous supply of food, energy, and materials for the present generation and those that follow.

Van der Ryn says AT "causes less entropy and creates the diversity and wholeness necessary for the health of the eco-systemic cycle to which we all belong." For the uninitiated, it encompasses: environmental and climatically designed structures; energy conservation, including wind-power and solar heating and cooling; bioconversion (using wastes to produce energy); waste oil recovery; recycling; organic gardening; wetlands restoration, and reforestation. Some call AT gentle technology with people, not machines, as its center. The concepts of this technology emerge naturally from Van der Ryn, a long-time opponent of technology divorced from human factors.

Sim Van der Ryn was a professor of architecture in the College of Environmental Design at the University of California at Berkeley from 1961 to 1975. His displeasure with the University increased as it refused to implement his "think small" ideas. He took a sabbatical to get away from it all, and joined with like-minded professors to found the experimental, communal Farallones Institute in the town of Occidental near Santa Rosa.

Return to bureaucracy

Shortly after his retreat to Farallones, Van der Ryn was participating in a discussion on energy issues at the San Francisco Zen Center, where he met then-Secretary of State Jerry Brown. When Brown became governor, he asked Van der Ryn to submit some ideas on how to implement the "small-is-beautiful" philosophy of British economist E. F. Schumacher throughout state government. Van der Ryn wrote a paper suggesting an Office of Appropriate Technology be developed to implement low-technology experimentation, and to spread AT ideas.

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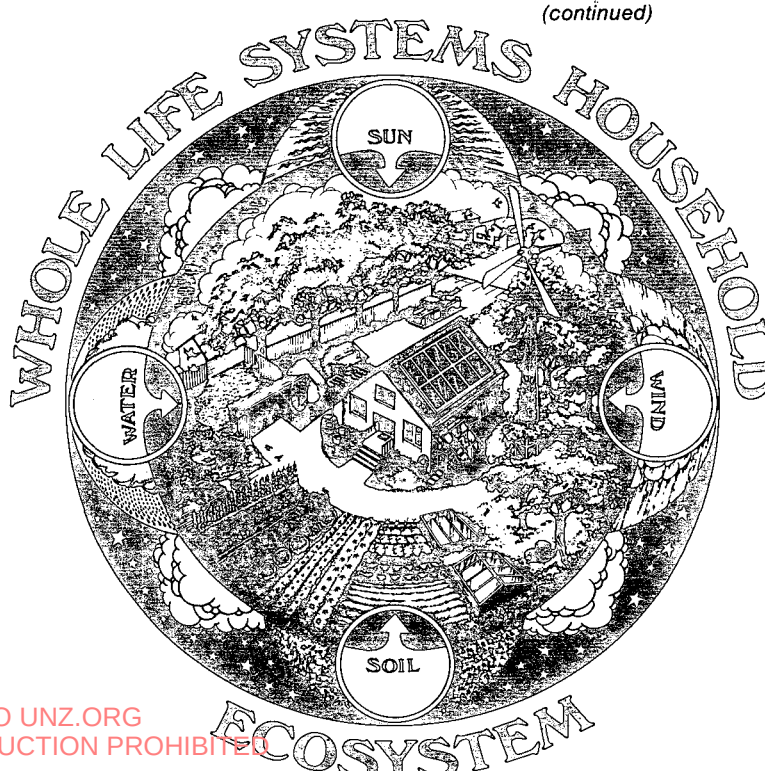

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Shortly thereafter, Brown appointed Van der Ryn as State Architect and instituted OAT.

At first, Van der Ryn didn't relish the idea of returning to a bureaucracy, especially since he was deeply involved with Farallones, but now he finds the task challenging and liberating. A visit to Farallones Institute, where Van der Ryn is on the board of directors, gives a fuller understanding of how hands-on technology can apply to urban and rural life.

Farallones Urban Center, founded in 1974, is located in a neighborhood of run-down houses in Berkeley. The newly painted center stands out. True to the AT code, every square foot of space is utilized. Wood-chips form a pathway where micro-organisms breed, releasing oxygen which purifies the surrounding air. A solar heating and cooling system is perched on the roof. The toilet is a dry compost privy; its contents will be emptied to fertilize the garden in about four years. The Center stands as an example of how AT can work in a densely populated urban area.

The Occidental part of the center, started in May, 1975, focuses on experimentation, change and personal growth. Director David Katz, who took over when Van der Ryn left for Sacramento, explained the variety of activities taking place on the hilly 80-acre farm: Ponds are being developed from creeks and springs to augment the meager water supply, making more farming possible. A huge vegetable garden provides most of the food, while farm animals provide meat. Fish from an experimental aquaculture pond provide additional protein. All water is metered to monitor conservation practices, including a grey-water system that re-uses household water in the garden. Two different types of dry privies are in operation and tests taken on their contents show them free from harmful bacteria. (Those experiments could pave the way for the use of the dry privy in rural areas, helping to save the 75,000 gallons of water each California family uses annually to flush wastes into sewers.) There are blacksmith and carpentry shops, photography and drafting studios. One residential structure was designed and built by the students who live there. They pay a tuition of $800 each quarter which, when combined with various grants, supports the center. Chores are rotated among staff and students.

Van der Ryn says he recognizes that many of the functions at Farallones are extreme, and stresses that he doesn't expect the public to adopt all the ideas and practices that evolve from the centers. But he does feel there are alternatives to prevent wasteful practices and claims alternatives need be explored to see what will and won't work. "I think OAT's credibility is going to be attached to actually making projects work," he said. "The most effective thing we can do right now is to raise consciousness, both internally — giving information to the middle-level and lower bureaucrats — and externally, getting out to the public with the ideas. Because finally, you have to have a constituency."

He said his position as head of OAT has its frustrations. "I was telling people at Farallones last weekend, in Sacramento we have all this money, but our productivity is so goddamned low. At Farallones we just agree to something, and then we do it. We never have enough money there; that's the other side of the equation. For example, we're building four solar towers, and that's a very important experiment. But with three or four billion dollars going into solar this year, there's not one nickel of any government support for that project. It's frustrating as hell!"

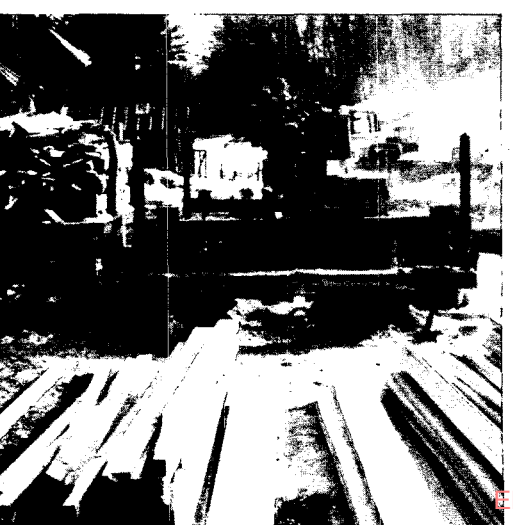
Fight against government

Fighting the various government bodies is part of the struggle, he said, and he considers it a big accomplishment when his efforts stop even one city from installing a new central sewer system. Milwaukee, for example, sells sewer sludge as fertilizer. He suggests that instead of Sacramento building a $400 million dollar sewer system, it could use one-tenth of that money to build a sludge component in the existing system. Then the sludge could be used to form a green-belt around the city where food could be grown. But it won't be done, he said, because the staff of the federal Environmental Protection Agency is sewer-oriented.

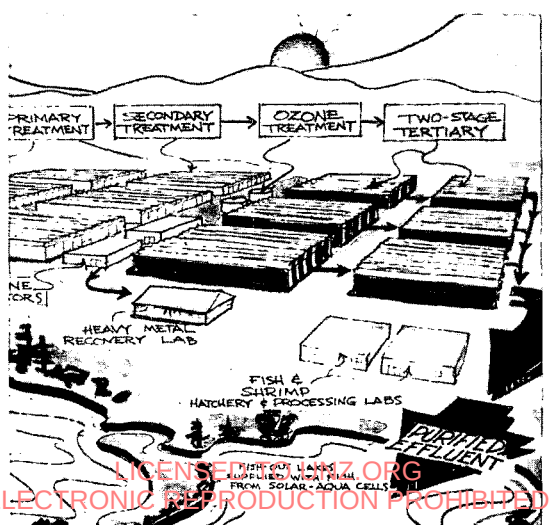
Van der Ryn feels our lives are run by planners and agencies only because we let them do so. "Maybe we should upset the experts and planners. That's a lot of Jerry's view. We do have choices we can make instead of just being mindless zombies in this walk through life and not doing anything about it." AT, he claims, lets people know that they can exercise some control over their lives.

His ideas have always been in the vanguard. The new Capital Area Plan, being developed by Van der Ryn's office, will make downtown Sacramento a 24-hour community, integrating offices, homes and services among gardens and recreational facilities, creating a homogeneous mix of various income groups and life styles, according to Van der Ryn. The plan would ban automobiles from a central core, and promote bike use and shuttle buses to transport downtown workers from outlying parking districts. The plan is a radical departure from the glass-enclosed towers that typify the old plan — the type of buildings Van der Ryn says are adverse to human needs if only because they consume so much energy. (Ironically, Van der Ryn recently fired Van King, director of the Capitol Area Plan project, supposedly for missing deadlines and for emphasizing involvement of Capitol area residents.)

Mobile sawmill making selective logging economically feasible



Solar aquafarm, converting sewage to food in San Diego



Low-cost solar housing at Occidental

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Van der Ryn's design for a solar office building to be constructed near the Capitol has already received plaudits from private and government professionals and the general public. Its climate-oriented design is indicative of the ideas he is actively promoting from both the Office of State Architect and Office of Appropriate Technology.

OAT opened its doors in May with a budget of $25,000, and is requesting $100,000 for the coming year. Demonstration projects are under way, all to be completed within a year and with a combination of federal and state money. The projects:

- **Residential demonstration unit (energy trailer).** A highway trailer with models of solar water heating, wind-generated electricity, waste recycling, solar cooking, greenhousing, water conservation and recycling, for display throughout the Central Valley.
- **Energy efficiency in Capitol area.** Re-use of waste heat from power generation.
- **Solar technicians.** Training of low-income families, minorities and women in construction, installation, operation and maintenance of solar heating technology by fitting four state-owned apartment buildings to use solar hot-water systems.
- **Alternate on-site sanitation study.** A research project to identify acceptable alternatives to central-sewer and septic-tank systems for small communities and rural areas.
- **Small-business development.** Development and implementation of programs to encourage small business to convert private buildings to solar water heating.

Van der Ryn's innovative ideas are supported by Reagan Administration state architect Fred Hummel, who pared the office staff from 1,000 to 400. Hummel said he spent so much time reorganizing the department, he didn't have the time for good design. Now he says the office is ready and the time ripe for energy-saving, human-centered design. Hummel, who is primarily a designer, as opposed to Van der Ryn who considers himself a "social architect," sees problems ahead in attempting to change long-held perceptions of civil service workers. But, he emphasized, "We should give Van der Ryn every possible opportunity to do well. I'm frankly pleased to see a change in the whole philosophy."

Elitist attitude charge

Can Van der Ryn plant his ideas in enough minds to produce the lasting change he believes is necessary not only to save natural resources, but to achieve the balance necessary for humans to survive? Some say he cannot, unless some fundamental changes are made in the fledgling Office of Appropriate Technology. Critics complain that AT concepts are based in the counter-culture and are not applicable to their lives, and that the OAT staff projects a patronizing attitude. Said one Department of Health critic: "It's so inconsistent. AT stresses human values, yet the people who are attempting to make it run are cold and clannish."

Van der Ryn was surprised by the charge, and explained that the OAT staff is overworked. He says the office was not meant to minister to the public, but was created to operate demonstration projects and communicate AT concepts to state government workers. "But since there's so much interest, more than our small staff of three can handle, maybe we should run it partly as an extension service, and have the demonstration projects too," he added.

Van der Ryn realizes that lack of a full-time director of OAT has been a serious management problem, and is actively seeking one. Observed Lorell Long, associate public advisor for the state Energy Commission who has been under consideration as OAT director, "They're not marketing OAT, and they're not using the media in any way to get the message out to the public either. There are so many tools they can use. AT can be beautiful and everyone should know what it has to offer. It provides comfort and a life-style that costs less. All you're really doing when you promote AT is telling people that here is a way you can live better. But the message has got to get out."

Van der Ryn is disturbed by criticism that OAT is a counter-culture movement, a contention with which he totally disagrees. It is an anomoly that Van der Ryn, a sensitive and creative individual, did not perceive that OAT, his human-oriented creation, projected a harmful elitism. Since AT does seem radical and strange to many, it is especially important that it do an exemplary job of communication. Until that is done, OAT — and Van der Ryn — will continue to be misunderstood.

But if Van der Ryn is going to sell the era-of-limits philosophy, AT public relations must be improved before the public decides that OAT — and the Administration — don't have much of a message after all.

Brossman

(continued from page 17)

by state officials for policy-making purposes. Furthermore, with the information it does provide, that office does not have as much credibility with the Legislature, the governing board, and local districts as it could. The CCJCA is concerned that correcting these deficiences is not all the board has in mind.

What scares the CCJCA is a feeling that, with the new Brown appointees, the board is leaning towards gradual centralization of the colleges, and that Brown's indirect influence on the choice for chancellor may accomplish the change. Brown has apointed seven of the 15 board members, including Weiner and Verne Orr (the head of the Department of Finance when the audit report was issued), and will appoint four more members in 1977.

Leland Meyers, associate executive director of the CCJCA, would like to see someone who could check centralization named as chancellor, preferably from within the community college system, perhaps a college president who would understand the importance of local administration. An insider, he says, "would be able to guard the local hold on the colleges at a time the state is trying to get a handle on control."

A number of board members dispute this propensity for state control. Weiner and Orr maintain that, while on a few issues some board members show such an inclination, there is by no means a majority of the board attempting to wrest control from local districts. Observes Weiner: "Every time we ask a few questions, they (the CCJCA and community college leaders) start screaming about state control. I prefer to see questions raised by the board and, in this way, avoid direct intrusion and potential misinterpretation of facts by the Legislature and the Department of Finance."

At this pivotal time for the community-college system, basic issues are being raised: Precisely what does protecting local autonomy entail? How can management and accountability be provided on a state-wide basis without disturbing this autonomy? And what is the function of the chancellor in attempting to strike a compromise between the two?

Weiner wants a chancellor to be "critically affirmative." At this point, he feels everyone is either overly critical of local management of the community colleges, or they want to affirm every bit of prerogative taken by the local administrations. Weiner, like many, wants to find an individual capable of striking a happy medium between the two. But that may be a mission impossible.

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California CAPSULES

State population up, San Francisco and LA show only decreases

The state Department of Finance's population research unit reported that California's population increased by 1.5 million in the last six years. As of July 1st, 1976, there were 21,520,000 Californians. Orange County led in growth, and the only counties showing a drop were San Francisco and Los Angeles. In the past two years, 50,000 Indochinese entered the state, 90 percent of them Vietnamese refugees.

Two more initiatives are being circulated for the 1978 primary

Two more attempts are underway to qualify initiatives for the 1978 primary election. Another attempt to qualify an "extended pari-mutuel horse race wagering and gaming initiative" for the ballot is being made by Robert Wilson, who has tried various gambling proposals six previous times. If passed, the initiative would allow horse-race wagering in dinner houses and Nevada-style casinos as a 28-year experiment in Adelanto, San Bernardino county.

The other measure is the fourth property-tax initiative being circulated. This proposal would provide a $20,000 tax exemption on owner-occupied property, another 20 percent exemption on any residential dwelling and limit property taxes to 1.5 percent of the market value, after exemptions. It also prohibits the use of property taxes for education or welfare costs.

A widespread report that Common Cause is collecting signatures to qualify a public-financing-of-elections initiative for the ballot is erroneous. The organization submitted the proposal and the Attorney General has completed the analysis and ballot title summary. At this point, Common Cause is holding back the circulation of petitions, while stating that "the initiative is still a possibility for 1978."

CalVet loan program makes profit, reduces interest for 100,000

The CalVet home and farm loan program has done so well it anticipates a net surplus of $10 million. As a result, the California Veterans Board voted to decrease interest rates for the more than 100,000 CalVet borrowers. The interest rate will drop from 6.25 percent to 5.6 percent for the 12,000 Californians whose loans were made from 1974 bond revenues and from 4.75 to 4.4 percent for borrowers from the 1943 bond act.

Farm labor board modifies access rule, satisfying neither side

The Agricultural Labor Relations Board modified its controversial access rule, prompting complaints from both unions and growers. Among the changes: a reduction in the number of days union organizers may enter a grower's property (from 365 to 120); a rule allowing nurseries, dairies and poultry-and-egg farms to designate certain areas off limits to organizers; a requirement that growers provide a list of workers names and addresses to a union collecting representation-election signatures from at least 10 percent of an employee force. Unions called the action the first step toward gutting the bill; growers called the changes meaningless.

Spending limitation for qualifying ballot initiatives thrown out

The state Supreme Court threw out the limits on spending to qualify statewide initiatives for the ballot. In a unanimous opinion, the high court said the Political Reform Act of 1974 provision limiting such expenditures violated the free-speech provisions of the federal Constitution. The court upheld a 150-day limit on time for circulating initiative petitions. The law had limited expenditures for circulating such petitions to 25 cents per signature. The case was brought by George Hardie, sponsor of the greyhound-betting initiative (Proposition 13) on last November's ballot. The Fair Political Practices Commission had urged that the limitations be upheld, arguing that even if it violated the First Amendment there was a compelling public interest in favor of the limitations.

Fixed liquor prices voided, called illegal restraint of trade

The state Alcoholic Beverage Control Appeals Board found the 37-year-old fair-trade law fixing the price on liquor, wine and beer an unconstitutional restraint of trade. The controversial 28-page opinion set the stage for a possible price war and an appeal to the state Supreme Court on the board's ability to declare a law unconstitutional. The appeals board is the last stop on the administrative hearing level, before the courts, for any retailer accused of selling below the set prices. All three members of the panel are appointed by the Governor. The Alcoholic Beverage Control Board, the enforcement agency for the state, is challenging the ruling and maintains it will enforce the law "vigorously" until the appeal is decided.

Brown Administration backs off proposed transportation plan

In a surprising letter to the state transportation board, Governor Brown backed off a controversial transportation policy the board had been developing for over a year. The plan called for motorists to pay high fees and taxes for the direct and indirect costs of driving a car. In a joint letter addressed to William Lucius, the chairman of the state transportation board, Business and Transportation Secretary Don Burns and Department of Transportation chief Adriana Gianturco insisted that six changes be made in the plan in order for it to reflect the Administration's policy. Of major concern was the user-tax proposal. Brown has consistently promised there would be no tax increases.

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'WORLD'S GREATEST LYING CONTEST'

Using ballot designations for fun and profit

By BRUCE C. BOLINGER

"The world's greatest lying contest," "basically unworkable," "hypocritical" and "pro-incumbent" are how various election officials have characterized California's law allowing candidates to list occupational designations on the ballot.

When the system of occupational designations was first used in 1932, it worked fairly well. Few candidates bothered to use designations, and those who did gave fairly short, prosaic occupations. Since then, a growing realization of the importance of these designations has resulted in virtually unanimous use.

Candidates work strenuously to conjure up the most effective designations — whether accurate or not — while opponents make every effort to prevent them. Candidates, courts, and election officials have become embroiled in a proliferation of lawsuits over designations — lawsuits which never settle any issues and which endanger the timely printing of the ballots.

No other state allows candidates to list an occupation except when running against someone with a similar name. That, in fact was the original purpose of California's law. When the 1931 Legislature passed what is essentially the present law, it extended the right to use occupational designations to all candidates rather than just those with similar names.

Reapportionment influence

It was a reapportionment year, and legislators were faced with running for re-election in altered districts or for higher office, and were sensitive to being identified on the ballot by the title of the office then held. Explanations given to the press emphasized that the bill intended to identify incumbents and protect them from similar-name campaign ploys. Not only were incumbents guaranteed an advantage, but the purpose of the law was undermined — a voter is more likely to distinguish between two candidates with similar names if only those candidates list occupational designations.

All this may not matter if having an occupational designation helps the voter make rational choices. There are a large number of offices on California's ballots and inadequate information about most candidates. Voters cast about for some guide in deciding how to vote. Most of the time, the occupational designation will be one of these guides, particularly if the election is nonpartisan or a party primary.

Several studies have examined the impact of occupational designations. One of these, conducted by the Assembly Elections Committee in 1963, found ballot position and occupational designation were the key factors that determined in advance who the successful candidates would be in county central committee races. It and another study done several years later by political scientists, found results varied according to the occupation a candidate lists. Candidates using occupations such as teacher, doctor or attorney did well on election day. Other occupations, such as housewife, salesman and student did poorly. Both studies found that the only thing worse than listing a "poor" designation was listing none at all.

Candidates give considerable thought to the most effective ballot designation they can use. Better-financed candidates use professional surveys compiled by firms such as Decision Making Information in Orange County or Public Response Associates of San Francisco to test the public's response to different designations.

Several strategies

There are several strategies candidates employ in choosing a ballot designation:

- **Identify with the office sought and demonstrate relevant experience.** In the 1969 election to the Los Angeles Junior College Board, candidates with education-related occupations gained some 5,000 votes. Recognizing this, some candidates designed very imaginative designations such as "Optometrist and Educator" and "Railroad Worker, Scholar." Orange County supervisor Robert Battin, seeking a state Senate seat, dubbed himself "Orange County Legislator" even though the term "Legislator" is not used by local government officials. Until 1967 when the law was changed to prohibit it, many candidates who were

The author is a consultant to the Legislature's Joint Committee for the Revision of the Elections Code.

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allies of high elected officials would obtain appointive positions from them to use the impressive titles as their ballot designations.

• **Use the most prestigious words possible — including euphemisms and exaggerations.** A candidate with a fairly ordinary occupation can improve it dramatically by the addition or substitution of certain words. A lawyer running became a "California Constitutional Lawyer" on the ballot. A state-employed auditor ran as "California Government Auditor." A college professor running for Congress became a "National Affairs Analyst." A butcher became "Meat Purveyor." An Orange County candidate for Assembly this spring first listed himself as "Telephone Line Repairman," but then thought better of it and switched to "Communications Specialist." A general contractor running for city office in environmentally conscious Sausalito declared himself a "Semi-Retired Home Craftsman." Assemblymen seeking higher office usually have partial amnesia and label themselves "Member, State Legislature."

In school elections, since the education of children is at stake, candidates have sought to list themselves as "Mother," "Father," or "Parent," — causing local election officials to be perplexed. One woman running in Santa Cruz County insisted upon being listed as "Mother." The county counsel found that she had seven children and concluded, indeed, her occupation was that of "mother."

• **Identify with popular causes, movements.** As issues capture the public's fancy, candidates incorporate them into their ballot designations. The enthusiasm for the space program produced a spurt of "Space Missile Engineers" in the early 1960's, with the environmental and consumer movements exploited by candidates more recently. Fred Furth's use of "Anti-trust Attorney" for a San Francisco Senate seat this year was probably calculated to attract voters opposed to big business in that heavily Democratic district. A San Bernardino school board candidate, opposed to sex education in the schools but limited to three words on the ballot, came up with "Mandatory Sexology Opponent."

• **If unelectable, publicize unpopular causes.** Some candidates have no expectation of winning. They may be running to promote causes, minor parties or their own businesses. Such designations have included "Marxist Activist," "Gay Feminist Activist," "Black Liberation Activist," "Socialist Workers Spokesperson," "Libertarian Attorney/CPA," "La Raza Editor," and "Pharmacist/Owner R. P. Pharmacy."

• **Use the length of the title as an eye-catching device.** In 1945 the Legislature set a three word limit for non-officeholders while making clear that officeholders could use as many words as they pleased. The assumption seems to be that the longer a designation is, the more impressive and eye-catching it will be. The designations of Assemblymen have been the longest of any type of officeholder in the state, some reaching ten words.

• **If circumstances are favorable, use no designation or demand one which is not permissible.** Occasionally a candidate is so well known a ballot designation would only detract, while other candidates may have occupations they would rather play down. A mortician running for a hospital district board in Riverside County decided to get along without any designation. His opponent, however, issued literature listing "Mortician" after the man's name so that no one would forget it.

A candidate from Beverly Hills demanded to be listed as "Jewish Mother." The ensuing dispute with the county Registrar of Voters did not win her the designation, but it produced all the publicity she could have hoped for. When George Brown campaigned to get back into Congress in a new district in 1972, he requested "Former California Congressman" on the ballot. His opponents promptly went to court to prevent it. Although Brown lost in court, the news coverage stressed Brown's congressional experience.

• **Use multiple designations.** Since a candidate needs the support of a wide variety of interest groups, and since experience in several fields may give the appearance of being more qualified, more candidates are using multiple designations: e.g., "Educator, Counselor, Businessman." A city councilman in the university town of Davis ran for reelection this year as "Incumbent, Law Student." Some officeholders from rural areas have reaffirmed their roots with designations like "Legislator and Farmer" and "County Supervisor, Dairyman."

Fragmented authority

The problem of regulating ballot designations is difficult because of the fragmented way policy is made. There is no one authority over what is acceptable. City, county and state officials and even private companies providing election supplies and advice to local governments are all involved in deciding which ballot designations are permissible.

The Secretary of State does not have influence over designations because her office does not process local government nomination papers, and is unable to give more than a cursory examination to the papers of state and federal candidates in the short time available for their certification. The big chartered cities of Los Angeles, San Diego, and San Francisco have their own laws on the subject and are reluctant to question designations. (Los Angeles, for example, allowed a councilmanic candidate to list himself as "Graft Corruption Fighter.") Election officials' first priority is the successful holding of elections. Allowing a questionable designation may be a small price to pay to avoid a lawsuit by the disgruntled candidate which could dangerously delay printing of the ballots.

The misuse of ballot designations will continue until the Legislature decides what the purpose of a designation is. If the purpose is to distinguish between candidates with similar names, then the designations should only be available to similarly named candidates. If the purpose is to indicate a candidate's qualifications, three words are not sufficient and it would be better to replace them with the 200 word candidates' statements mailed with the sample ballots, as is done in many local elections. If the purpose is to allow campaign slogans on the ballot, then California might just as well adopt the Oregon system which does just that. At the least, there is a serious need for more explicit regulations as to which designations are permissible, plus an improved review of the designations by election officials.

Whatever, unless the Legislature is willing to eliminate some of the blatantly discriminatory features, such as the unlimited length of incumbents' designations, it may find another Proposition 9 type initiative on the ballot proposing the elimination of all candidates' designations. Common Cause is willing to step in where the Legislature fears to tread.

Last call for the Samish book

We have purchased the last available supply of **The Secret Boss of California** by Arthur H. Samish and Bob Thomas — the fascinating autobiography of the one-time master lobbyist of California. Originally published at $5.95, the hardback book is available from the Journal for $3.50 (pre-paid), including sales tax and postage (or for $3 in our office). Send order to *Journal Books*, 1617 10th St., Sacramento 95814.

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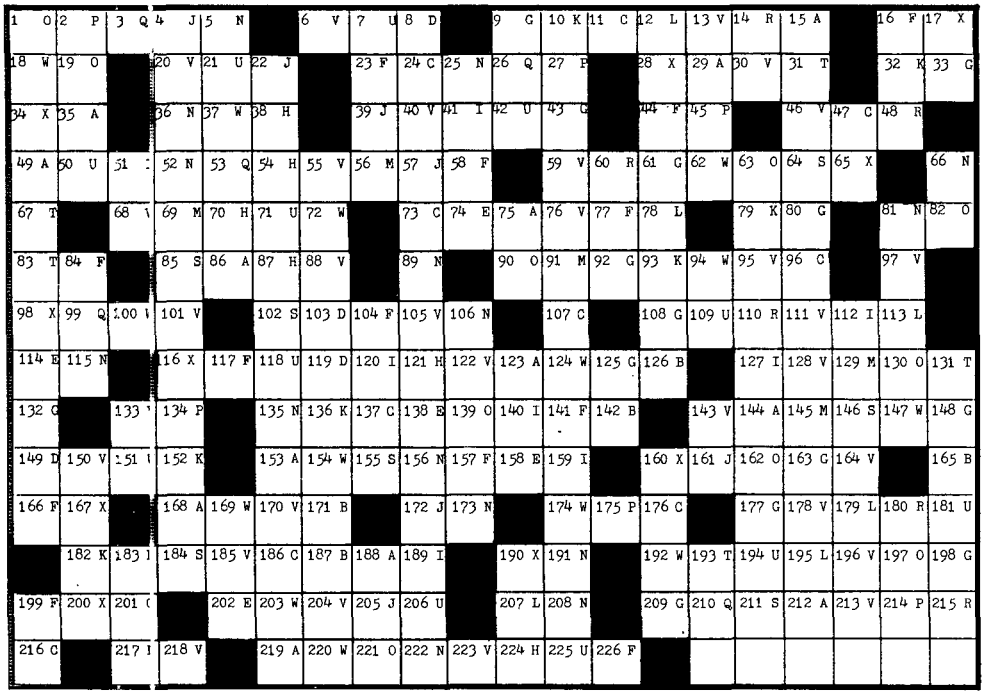
The Political Double-Cross

by Alisa Belinkoff



Instructions: Although this looks like a crossword puzzle, the words read only across, not up and down as well. The solution spells out a quote from a book about California politics. Fill in the answers to the clues and transfer the letters to the corresponding spaces in the diagram. You may also work backwards, guessing at words in the solution and transferring the letters to the clue spaces. The first letters of the clue words, taken in order, spell out the author and title of the book from which the quote is taken. Hint: most of the clues refer to the California political scene.

CLUES

A. Spot for legislative lunches.
49 86 15 188 75 153
212 29 123 168 144 219 35

B. A feeling of anxiety; dread.
165 142 126 171 187

C. Latest D.C. headgear.
73 201 11 24
186 47 107 216 96 176 137

D. Flag feature.
103 8 119 149

E. Testimonial dinner: newest form.
74 114 158 202 138

F. If you want a campaign firm, try Cerrell; ___ try _____
104 141
16 183 58 77 84 157
23 44 166 199 117 226

G. Feminine precursor to Vuich in the Senate.
177 80 9 209 125 132
163 43 108 61 198 33 148 92

H. Scatterbrain.
224 54 38 87 70 121

I. History of Ri es' legislative program
189 41 120 112
127 140 51 159

J. Environmental initials.
22 172 4 205 161 39 57

K. Where Stan Statham got his votes.
152 79 93 10 182 136 32

L. Head of Ger eral Services
78 179 195 207 12 113

M. San Francisco family name.
217 145 56 91 69 129

N. Sentence of the past.
135 66 191 156
208 5 89 25 173 106 36

O. Glendale legislator.
162 63 1 130 19 197 221
82 90 139

P. U.S. health facility (initials): Be quiet!
134 214 2 45 27 175

Q. Focus of water dispute.
26 3 210 53 99

R. Political columnist.
110 48 180 14 215 60

S. Running for Governor?
211 85 64 102 155 146 184

T. Where to get your license.
193 31 131 67 83

U. Damn small commission!
71 151 42 181 194 109
21 225 50 118 206 7

V. Standing committee.
59 150 68 40 223 122
30 143 101 & 196 97 204
6 88 55 170 185 128
133 13 218 213 76 20 105
46 111 178 95 164

W. What Vasconcellos' people did.
174 220 37 192 169 203 154
147 18 62 72 124 94 100

X. Kosher Cowboy's parent.
160 200 116 28 190 65 17
34 167 98

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Solution next month

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The growing independence of Assembly Democrats

The 1976 independence ratings for legislators won't provide much comfort for Assembly Speaker Leo T. McCarthy. The statistics offer proof of the long-held claim that no individual lawmaker need be loyal to his or her party when that party controls a political entity by an overwhelming margin. During the 1976 session of the Legislature, individual Democrats in the Assembly dissented from their party majority 18 percent of the time — an increase of four percent from the previous year and nine percent from the last election year, 1974. Now that McCarthy has an even larger working majority, 57-23, for the current session, will members of the Democratic caucus stray from the fold even more often?

As a group, the Republicans in both houses posted averages about the same as in the three previous years in which these ratings have been compiled. Senate Democrats moved up two percentage points, from 16 to 18, but their overall pattern was relatively unchanged.

• **Assembly Democrats.** Assemblywoman Pauline Davis retained her position at the top of the maverick list with a whopping rating of 60. This means that she broke with a majority of her Democratic colleagues on key votes (see explanation) an average of six out of 10 times during the year. Even for her, this was a high rating, nine points above her 51 of 1975.

Freshmen Richard Robinson and Larry Chimbole remained second and third, but their defections increased. Robinson went from 38 to 52 and Chimbole from 35 to 41 in one year. Another freshman, Tom Suitt, moved up from eighth to fourth on the list by bolting on 38 percent of the key votes, as compared to 24 percent in 1975. Suitt's jump moved Alister McAlister down to fifth. In almost all cases, Democrats with high independence ratings are conservative, while dissident Republicans are more liberal than their colleagues. There is an occasional exception, such as the ultra-conservative Senator Bill Richardson, who finished third in Senate GOP rankings.

How the ratings were compiled

Only key votes printed in the Journal's *Roll Call during the year were included in the analysis. All unanimous party votes were eliminated, as were those in which there was no clear party majority for or against a measure.*

That left only votes in which there were clear majority and minority positions within each party in each house. Absences were not counted either way.

Assembly Democrats
(83 votes)

Percentage of independent voting

60 Davis (60%)

50 Robinson (52%)

Chimbole (41%)

40

Suitt (38%)

McAlister (36%)
Deddeh, McVittie (34%)

Chel (32%)

30

Cullen (29%)
Wilson (27%)
Chacon, Greene (26%)

Fenton, Perino (23%)
Carpenter, Garamendi (22%)
Thurman (21%)

20 Ingalls, McDonald (20%)
Tucker (19%)
AVERAGE, Miller (18%)

Meade (15%)

Brown, Hart (13%)
Sieroty, Thomas (13%)

Boatwright, Foran (11%)
Vasconcellos (11%)

10 Torres (10%)
Alatorre, Gualco (9%)
Lockyer, Mori (9%)
Bane, Hughes (8%)
Knox, Vicencia (8%)
Keene, Papan (7%)
Rosenthal, Warnum (7%)
Berman, Calvo, Dixon (6%)
Keysor, Montoya (6%)
Warren (6%)
Egeland, Fazio, Kapiloff (5%)
Goggin, Ralph, Siegler (4%)

0 McCarthy (1%)

Davis

Duffy

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• Assembly Republicans. The overall numbers changed little, but the men at the top of the list changed positions. Veteran Gordon Duffy moved into the top spot with a 36, up from 29 in 1975. He was followed by last year's leader, Richard Hayden, who dropped 10 points from 45 to 35. Next on the list were Bruce Nestande and Ken Maddy, who were fourth and second last year. Freshman Bill Thomas leaped from 10th to 6th by leaving his caucus 30 percent of the time, compared to 23 percent in 1975.

Assembly Republicans
(59 votes)

Percentage of independent voting

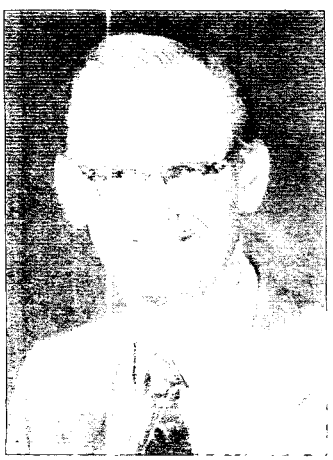
40
- Duffy (36%)
- Hayden (35%)
- Nestande (34%)
- Maddy (33%)

30
- Arnett (30%)
- Thomas (28%)
- Beverly (26%)
- Murphy (24%)
- Craven (21%)

20
- AVERAGE, Bannai (19%)
- Briggs (19%)
- Badham, Cline (17%)
- Antonovich (16%)
- Collier, McLennan (15%)
- Priolo (15%)
- Lanterman (13%)
- Mobley (12%)
- Lewis (11%)

10
- Burke, Campbell (10%)
- Nimmo (7%)
- Lancaster (6%)
- Chappie (4%)

0



Holmdahl

Senate Democrats
(72 votes)

Percentage of independent voting

50

40
- Holmdahl (46%)
- Collier (38%)
- Stiern (36%)
- Wedworth (32%)
- Dills (32%)

30
- Presley (25%)
- Zenovich (23%)

20
- Ayala (19%)
- AVERAGE (18%)
- Beilenson, Gregorio, Robbins (17%)
- Alquist (15%)
- Garcia, Song (14%)
- Dunlap (12%)

10
- Holden, Kennick, Rains (10%)
- Roberti, Rodda (10%)
- Mills, Petris, Smith (8%)
- Foran (6%)
- Greene (5%)

0

• Senate Democrats. John Holmdahl of Alameda County has been moving up the ladder to challenge the leading dissidents of the past few years. He finally reached the top with a 46 percent rating in 1976. His voting record has become more and more conservative, as reflected in ratings of 27 in 1973, 33 in 1974 and 40 in 1975. He replaced his long-time seatmate, Walter Stiern, who dropped 13 points from 49 to 36 and finished third.

Randolph Collier, who was defeated in November, ranked second with a rating of 38, par for him. Another departed senator, James Wedworth, was fourth with 32, down from 42 and a second-place finish in 1975. Consistent Ralph Dills posted a 32 this time as well as last, and finished fifth both years. All five top Senate Democrats were the same as in 1975, as was the next flight of three — Robert Presley, Ruben Ayala and George Zenovich.

Nejedly

• Senate Republicans. The surprise here is not that Peter Behr and Milton Marks, the most liberal Republicans in the Legislature, finished first and second. Rather, it is that John Nejedly, a maverick who had often voted with Behr and Marks, slipped to fourth with a dissent rating of only 27. He had averaged 35 in the previous three years, but the trend has been toward mainstream Republicanism for the former Contra Costa County district attorney. Nejedly's slip gave Richardson a chance to break into the top three with 28 percent.

Other than Richardson, who thinks even his conservative colleagues vote too liberally on some issues, not a single conservative Republican or liberal Democrat posted a percentage significantly above the party average.

Senate Republicans
(65 votes)

Percentage of independent voting

60

50
- Behr (55%)

40
- Marks (43%)

30
- Richardson (28%)
- Nejedly (27%)
- Carpenter (25%)
- Stull (24%)
- AVERAGE (23%)
- Grunsky, Russell (22%)

20
- Way (20%)
- Deukmejian (19%)
- Schrade (16%)
- Stevens, Whetmore (15%)
- Berryhill (13%)

10
- Cusanovich (8%)

0

Behr

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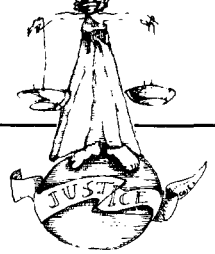

SIGNIFICANT COURT ACTIONS

No choice on capital punishment

The emotional capital-punishment issue again has been thrust into the unwelcome arms of state legislators. The state Supreme Court, without dissent, found that it had no choice but to declare California's current death-penalty law unconstitutional.

Legislative Republicans hailed the decision as a tool for the embarrassment of Democrats, who generally oppose capital punishment. Assembly Speaker Leo McCarthy said it would probably be late next year before the Legislature is ready to act on the issue. But Republicans may be overestimating the political impact of the death-penalty question. Pat Brown won reelection after the Caryl Chessman fiasco. And no Democrat in recent years has been defeated because of a vote against a death-penalty bill in the Legislature. Jerry Brown made it clear in 1974 that he personally opposed executions, but this seemed to have little effect on the electorate.

The Supreme Court said the current law, enacted following the passage of a death-penalty proposition in 1972, was faulty because it makes capital punishment mandatory for certain first-degree murders without provision for mitigating circumstances. The decision, in *Rockwell* v. *Superior Court*, was written by Chief Justice Donald Wright, joined by Justices Mathew Tobriner, Stanley Mosk, Raymond Sullivan and Frank Richardson. A concurring opinion was filed by Justice William Clark, joined by Justice Marshall McComb.

The current law was based on a complex and unclear 1972 United States Supreme Court decision seeming to say that mitigating circumstances should not be a factor and that the law should be applied equally to all committing the same capital crime. Since that time, the U.S. court has shifted its stand. In the latest key case, *Gregg* v. *Georgia*, the federal court said the sentencing authority must "focus on the particularized circumstances of the crime and the defendant."

Wrote Clark in his concurring opinion: "This court has no choice but to invalidate the California law. To save the statute we would have to rewrite it under the guise of interpretation, construing it contrary to the plain intention of the Legislature, which we must not do . . . . California's good-faith effort to enact a constitutional capital punishment system has been frustrated."

Power to the PUC

In a far-reaching 5-2 decision, the state Supreme Court ruled that the state Public Utilities Commission — and presumably any other regulatory agency — has the power to determine the constitutionality of statutes which it applies. Subsequently, the state Alcoholic Beverage Control Appeals Board ruled the state's liquor-pricing laws unconstitutional.

The decision was handed down in a complex grade-crossing case, *Southern Pacific* v. *Public Utilities Commission*. The court, in an opinion written by Clark, emphasized that administrative agencies, like police officers, must not deprive persons of constitutional rights and thus should be allowed to recognize the invalidity of an unconstitutional law. Clark was joined by Wright, McComb, Tobriner and Richardson.

Mosk, joined by Sullivan, filed an opinion agreeing with the holding in the Southern Pacific case but disagreeing with the doctrine of constitutional determination. "Declaring a statute unconstitutional represents the highest exercise of judicial power and one even the judiciary is reluctant to exercise," wrote Mosk. "Our traditional reluctance to invoke the most awesome power in the spectrum of the judicial process should induce us to resist its assertion by a lay commission, which, for all its trappings of authority, is simply not a court of law."

NEWSMAKERS

The compromise finance chairman

Veteran **Albert Rodda** of Sacramento was chosen as compromise chairman of the Senate finance committee, succeeding Congressman Anthony Beilenson. Rodda was selected by the Senate rules committee to break a bitter deadlock between two other Democrats, **Nicholas Petris** and **Alfred Alquist.** Rodda was replaced as head of the education committee by Democrat **John Dunlap.** The revamped Senate rules committee consists of Chairman **James R. Mills, Petris** and Democrat **Jerry Smith** and Republicans **John Stull** and **Bill Campbell.** A freshman former Assemblyman, Campbell defeated two veterans, **Lou Cusanovich** and **Newton Russell,** by getting the solid support from fellow newcomers.

Democratic state Senator **Alan Robbins** of Van Nuys announced his candidacy for mayor of Los Angeles, presumably against the incumbent, Tom Bradley. The 33-year-old Robbins will run on a conservative program . . . . **Bion Gregory,** 36, former consultant to the Senate judiciary committee, was named legislative counsel. He succeeds **George Murphy,** who retired from the post but was given a $1,500-a-month contract to help the Legislature run its computers. His pension is about $2,500 a month . . . . Defeated Assemblyman **Robert McLennan,** a Republican who led the fight against bonus pensions for legislators, said he will donate his $3,012-a-year in retirement pay to charity.

Governor Brown appointed two Republicans to important state positions. Former Senator **Howard Way** of Tulare County was named to chair the Adult Authority, which is about to implement the state's new sentencing act. And **Verne Orr,** Reagan Administration finance director, was appointed to the University of California Regents. Brown also named **Vilma Martinez,** San Francisco attorney and Chicano activist, and **Gregory Bateson,** 72-year-old Santa Cruz anthropologist, to the Regents. Orr, Martinez and Bateson replace Catherine Hearst, Norton Simon and Elinor Heller.

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A WASHINGTON PERSPECTIVE . . .

By Lou Cannon

The Nixon-Hays syndrome

The two California congressmen who failed to be elected House majority leader are Washington's latest conspicuous victims of the post-Watergate morality.

In the case of John McFall the new morality merely contributed to the size of his defeat and to the amount of his embarassment. Though McFall probably is too low-powered for the job, he is well liked and would have received more than the handful of votes given him had it not been for disclosure of the contributions he had received from South Korean sources.

For Phil Burton, the new morality meant the difference between victory and defeat. After Burton's one-vote loss to Representative Jim Wright of Texas, it has become fashionable, in Washington and elsewhere, to say that Burton's "abrasive" personality did him in. As news, this discovery of Burton's abrasiveness ranks with the revelation that Jimmy Carter is a Georgian. "Abrasive" Burton certainly can be, but he also is widely and properly valued as among the most competent and hardest working of congressmen. These qualities brought Burton steady advancement in the House, despite his personality, and they seemed destined to make him majority leader.

* * *

What did Burton in was the political atmosphere which now exists in Washington after Richard Nixon, Spiro Agnew, Wilbur Mills, Wayne Hays and various assorted minor scandals. Burton himself gave background recognition to this climate during the campaigning for the No. 2 House post when he uncharacteristically released a net worth statement showing him to be, in congressional terms, as poor as a churchmouse. The statement served to remind House members of what they already knew, namely that McFall was taking South Korean money and that Burton had not used his office to line his pockets.

But it was not enough. Burton was unable to survive the temporary alliance he had made two years before with Hays when the Democratic freshmen were feeling their oats and Burton was their acknowledged guru. It is widely accepted that Burton's alliance saved Hays' chairmanship of the House Administration Committee, a perception that is contested by some Burton supporters. What is not contested is that the alliance became a useful weapon for Burton's opponents after Hays' downfall even through many of them had at one time or the other worked closely with Hays, who in addition to being a caustic bully also was a highly able congressman. But Hays is now as untouchable for Democratic congressmen as Nixon is for Republicans. At this writing, a competent woman who served as press secretary for Hays is unable to find any work on Capital Hill solely because the congressmen who might hire her are afraid the Hays association would rub off.

In this context, Burton was in more trouble than he thought he was, and a pleasant personality wouldn't have been likely to help. He suffered a heavy blow the Friday before the voting when a cartoon by Herblock in the *Washington Post* depicted a bloated Burton in a used car lot trying to sell an automobile labled "the Burton leadership deal" to a battered accident survivor called "the House of Democrats." The survivor, clutching a sawed-off steering wheel, had just crawled out of a wreck labeled "the Wayne Hays" and wandered into "Wheeler-Dealer Phil Burton's Congressional Used Cars." The caption read: "You lucky fellow — I just happen to have another great buy for you."

On a political word-association test, the word "used car" evokes the certain response "Nixon," the man from whom no one in his right mind would buy a used car. The cartoon, considered monstrously unfair by Burton and some of his

The Herblock cartoon

"YOU LUCKY FELLOW—I JUST HAPPEN TO HAVE ANOTHER GREAT BUY FOR YOU"
Wheeler-Dealer Phil Burton's
CONGRESSIONAL USED CARS
The Burton LEADERSHIP DEAL
The Wayne Hays
©1976 HERBLOCK

allies, was effective in suggesting to undecided House members that they would be tainting themselves and keeping the Hays case alive by elevating Burton to the majority leader post.

* * *

There is something fitting about all of this, but also something faintly discomforting. It would indeed be a good thing for Washington and the world if a new day of morality had dawned and if the defeat of Phil Burton were the price to be paid for it. Alas, one suspects that the concern is cosmetic rather than real. After all, the House is still the place where a member, most recently Charles Wilson of Los Angeles, can transfer campaign funds to his own use and defend the practice as both proper and legal. And it is the place, too, where the members can vote down one wheeler-dealer in favor of another simply because the latter's standards of morality are less well publicized.

Consider, if you will, Wright's performance on national television the day before he was elected when a reporter had the temerity to ask whether he would favor removal of his friend, Representative Robert Sikes of Florida, from chairmanship of the Military Appropriations subcommittee because Sikes had been censured by the House for conflicts of interest. "I don't think that is any of your business," Wright replied. "I think that is interior business of the House." It was an answer worthy of Wayne Hays.

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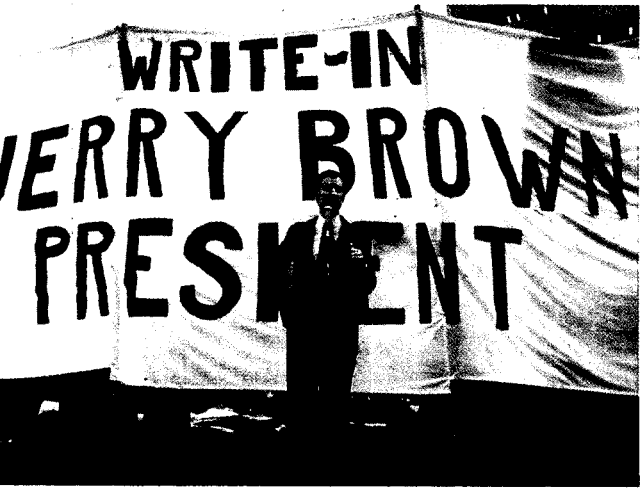
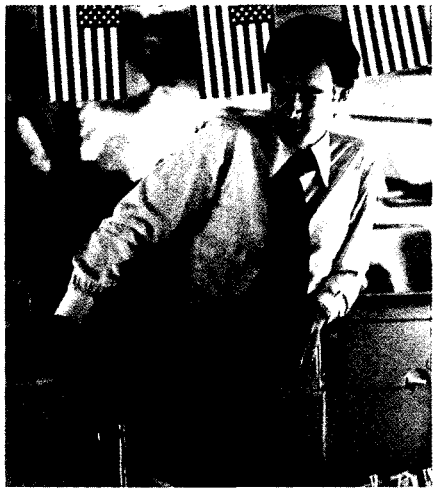
A new book from the **California Journal**

JERRY BROWN:





High Priest and Low Politician

By Ed Salzman

With cartoons by Conrad

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The author is the editor of the **California Journal**, and much of the material in the book first appeared in the magazine. The cartoons are by Paul Conrad of the Los Angeles Times.

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